

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

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## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 24—FORMAL EDUCATION RE- QUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL AND PROFESSIONAL POSI- TIONS

#### Range Conservationist

Section 24.15 is amended as set out below.

§ 24.15 Range Conservationist, GS-454-5-15.

(a) *Educational requirement.* (1) Applicants for all Range Conservationist positions must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in range management or range conservation, or in a closely related subject-matter field of agriculture or science such as agronomy, animal husbandry, botany, forestry, soil conservation, soils, or wildlife management. This course of study must have included at least 30 semester hours of course-work in the animal sciences, plant sciences, and soils, with at least 3 semester hours in plant taxonomy or systematics, 3 semester hours in soils or geology (or equivalent course-work), 3 semester hours in plant or range ecology, and 6 semester hours in range management or range conservation.

(ii) Course-work in an accredited college or university with major study in range management or range conservation, or in a closely related subject-matter field of agriculture or science, such as agronomy, animal husbandry, botany, forestry, soil conservation, soils, or wildlife management which included at least 30 semester hours of course-work in the animal sciences, plant sciences, and soils, with at least 3 semester hours in plant taxonomy or systematics, 3 semester hours in soils or geology (or equivalent course-work), 3 semester hours in plant or range ecology, and 6 semester hours in range manage-

ment or range conservation, plus enough additional experience, or education, to total 4 years of education and experience or 4 years of education. The quality of this additional education or experience must have been such that, when combined with the required 30 semester hours of course-work, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for Range Conservationist, GS-454-5-15, positions in the Soil Conservation Service, must show that the required 30 semester hours of course-work described in subdivision (i) or (ii) of subparagraph (1) of this paragraph included at least 3 semester hours in plant taxonomy or systematics, 3 semester hours in soils, 3 semester hours in plant or range ecology, 3 semester hours in animal nutrition or feeds and feeding, and 6 semester hours in range management or range conservation.

(b) *Duties.* (1) Range Conservationists perform various kinds of professional and scientific work in connection with the proper conservation, development, management, and utilization of ranges and rangelands and related resources; and the stabilization of the livestock industry that is dependent upon the ranges and rangelands for its existence. The duties of these positions involve such things as the making and interpreting of range surveys to determine vegetative composition and usability; assessing the ecological implications of these findings; and the development and execution of programs designed to conserve and utilize range resources properly.

(2) Range Conservationists in the Soil Conservation Service approach this general problem from the standpoint of the livestock producer and the duties of these positions also involve the solving of problems which are related to the year round management of livestock as well as the conservation and management of the range and its resources.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed without a sound basic knowledge of

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## CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

### Title 17 (\$0.70)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 6 (\$1.75); Title 7, Parts 1-50 (\$4.00); Parts 51-52 (\$6.25); Parts 53-209 (\$5.50); Parts 210-899 (\$2.50); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9 (\$4.75); Titles 10-13 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 15 (\$1.00); Title 16 (\$1.75); Title 18 (\$0.25); Title 19 (\$0.75); Title 21 (\$1.00); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Title 26 (1954) Parts 1-19 (\$3.25); Parts 20-221 (\$3.00); Part 222 to end (\$2.75); Titles 28-29 (\$1.50); Titles 30-31 (\$3.50); Title 32, Parts 1-399 (\$1.50); Parts 400-699 (\$1.75); Parts 700-799 (\$0.70); Parts 800-1099 (\$2.50); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Part 165 to end (\$1.00); Title 50 (\$0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

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the fundamental biological and plant sciences and specific training in plant identification, plant ecology, and range management; and, for positions in the Soil Conservation Service, specific training in animal husbandry. These duties require exacting and detailed knowledge and training, for appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, and to manage range resources and livestock wisely. The knowledges and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well equipped laboratories, and thoroughly trained instructors who can give expert guidance and evaluate progress competently.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F.R. Doc. 59-5233; Filed, June 25, 1959; 8:52 a.m.]

## Title 7—AGRICULTURE

## Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-

identified regulations, as amended, the following counties are hereby added to the list of counties published March 19, 1959, which were designated for barley crop insurance for the 1960 crop year.

## IDAHO

Bonneville. Madison.  
Cassia. Minidoka.  
Fremont. Twin Falls.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,

Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 59-5300; Filed, June 25, 1959; 8:47 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1960 crop year. The crops on which insurance is offered are shown opposite the name of the county.

## ARKANSAS

State and county	Crop(s)
Arkansas-----	Cotton, Rice, Soybeans.

## ILLINOIS

Jasper-----	Corn, Soybeans, Wheat.
-------------	------------------------

## IOWA

Delaware-----	Corn, Oats, Soybeans.
Emmett-----	Corn, Oats, Soybeans.
Howard-----	Corn, Oats, Soybeans.
Humboldt-----	Corn, Oats, Soybeans.
Ida-----	Corn, Oats, Soybeans.
Tama-----	Corn, Soybeans.
Union-----	Corn, Soybeans.
Warren-----	Corn, Soybeans.
Winnebago-----	Corn, Soybeans.
Worth-----	Corn, Soybeans.

## KANSAS

Bourbon-----	Corn, Soybeans, Wheat.
Cherokee-----	Corn, Soybeans, Wheat.
Franklin-----	Corn, Soybeans, Wheat.
Linn-----	Corn, Soybeans, Wheat.
Montgomery-----	Corn, Soybeans, Wheat.

## LOUISIANA

St. Martin-----	Cotton, Rice.
Vermillion-----	Cotton, Rice.

## MICHIGAN

Gratiot-----	Dry Edible Beans, Corn, Oats, Soybeans, Wheat.
Jackson-----	Corn, Oats, Wheat.

## MINNESOTA

Dakota-----	Corn, Oats, Soybeans.
Goodhue-----	Corn, Oats, Soybeans.
Kandiyohi-----	Corn, Oats, Soybeans.
McLeod-----	Corn, Oats, Soybeans.
Stearns-----	Barley, Corn, Oats, Soybeans.
Stevens-----	Barley, Corn, Flax, Oats, Soybeans.
Swift-----	Corn, Soybeans, Flax, Oats.

## MISSOURI

Audrain-----	Corn, Soybeans, Wheat.
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## NEBRASKA

State and county	Crop(s)
Antelope-----	Corn, Oats, Rye, Wheat.
Pawnee-----	Corn, Wheat.
Washington-----	Corn, Soybeans, Wheat.

## NORTH DAKOTA

Barnes-----	Barley, Flax, Oats, Rye, Wheat.
Dickey-----	Barley, Flax, Oats, Wheat.
Grand Forks-----	Barley, Flax, Oats, Wheat.
La Moure-----	Barley, Flax, Oats, Wheat.
Pierce-----	Barley, Flax, Oats, Rye, Wheat.
Ransom-----	Barley, Flax, Oats, Wheat.
Richland-----	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Sargent-----	Barley, Flax, Oats, Wheat.
Steele-----	Barley, Flax, Oats, Wheat.

## PENNSYLVANIA

Lebanon-----	Corn, Barley, Wheat.
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## SOUTH DAKOTA

Bon Homme-----	Barley, Corn, Oats, Rye, Wheat.
Day-----	Barley, Corn, Flax, Oats, Rye, Wheat.
Deuel-----	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Hamlin-----	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Hutchinson-----	Barley, Corn, Oats, Rye, Soybeans, Wheat.
Kingsbury-----	Barley, Corn, Flax, Oats, Wheat.
Lake-----	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
McCook-----	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Miner-----	Barley, Corn, Flax, Oats, Rye, Wheat.

## TENNESSEE

Franklin-----	Corn, Cotton, Tobacco, Wheat.
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## WISCONSIN

Fond du Lac-----	Barley, Corn, Oats.
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(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,

Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 59-5301; Filed, June 25, 1959; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1960 crop year.

## COLORADO

Morgan-----	Weld.
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## ILLINOIS

Adams-----	Fayette.
Bond-----	Fulton.
Carroll-----	Greene.
Cass-----	Jasper.
Christian-----	Jersey.
Clinton-----	Livingston.
Douglas-----	McDonough.
Effingham-----	McLean.

## ILLINOIS—Continued

Macoupin.  
Madison.  
Mason.  
Menard.  
Monroe.  
Montgomery.  
Morgan.  
Pike.

## INDIANA

Allen.  
Blackford.  
Boone.  
Carroll.  
Clinton.  
Clay.  
Decatur.  
DeKalb.  
Delaware.  
Fountain.  
Howard.  
Huntington.  
Jackson.  
Johnson.  
Kosciusko.

## IOWA

Adair.  
Audubon.  
Boone.  
Buchanan.  
Buena Vista.  
Calhoun.  
Carroll.  
Cass.  
Cerro Gordo.  
Chickasaw.  
Clay.  
Clayton.  
Crawford.  
Delaware.  
Emmett.  
Fayette.  
Floyd.  
Franklin.  
Fremont.  
Guthrie.  
Hancock.  
Hardin.  
Howard.  
Humboldt.

## KANSAS

Atchison.  
Bourbon.  
Brown.  
Franklin.  
Jackson.

## MARYLAND

## Kent.

## MICHIGAN

Branch.  
Calhoun.  
Gratiot.  
Hillsdale.  
Jackson.  
Kalamazoo.

## MINNESOTA

Blue Earth.  
Brown.  
Chippewa.  
Cottonwood.  
Dakota.  
Dodge.  
Faribault.  
Goodhue.  
Jackson.  
Kandiyohi.  
Lincoln.  
Lyon.  
McLeod.  
Martin.  
Meeker.  
Mower.

St. Clair.  
Sangamon.  
Schuyler.  
Scott.  
Shelby.  
Tazewell.  
Vermillion.

Andrew.  
Atchison.  
Audrain.  
Bates.  
Buchanan.  
Calloway.  
Carroll.  
Cass.  
Chariton.  
Cooper.  
Franklin.  
Gentry.  
Henry.  
Howard.  
Holt.

Boone.  
Butler.  
Cass.  
Cedar.  
Colfax.  
Cuming.  
Dodge.  
Nemaha.

Allen.  
Ashland.  
Auglaize.  
Delaware.  
Erie.  
Fayette.  
Greene.  
Hancock.  
Hardin.  
Henry.  
Huron.  
Knox.  
Licking.  
Marion.  
Medina.

Chester.  
Lancaster.

Brookings.  
Clay.  
Kingsbury.  
Lincoln.

## MISSOURI

Jasper.  
Johnson.  
Lafayette.  
Lawrence.  
Marion.  
Macon.  
Nodaway.  
Pettis.  
Pike.  
Ralls.  
St. Charles.  
Saline.  
Shelby.  
Vernon.  
Worth.

## NEBRASKA

Pawnee.  
Pierce.  
Richardson.  
Saunders.  
Stanton.  
Washington.  
Wayne.  
York.

## OHIO

Mercer.  
Montgomery.  
Morrow.  
Paulding.  
Pickaway.  
Preble.  
Putnam.  
Sandusky.  
Seneca.  
Stark.  
Tuscarawas.  
Union.  
Van Wert.  
Wayne.  
Williams.

## PENNSYLVANIA

Lebanon.

## SOUTH DAKOTA

Minnehaha.  
Moody.  
Union.  
Yankton.

## TENNESSEE

Obion.

## WISCONSIN

Columbia.  
Dane.  
Fond du Lac.  
Grant.  
Green.  
Iowa.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,

Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 59-5302; Filed, June 25, 1959; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the

following counties have been designated for cotton crop insurance for the 1960 crop year.

## ALABAMA

Blount.  
Cherokee.  
Colbert.  
Cullman.  
De Kalb.  
Etowah.  
Franklin.  
Jackson.

Lauderdale.  
Lawrence.  
Limestone.  
Madison.  
Marshall.  
Morgan.  
Tuscaloosa.

## ARKANSAS

Arkansas.  
Craighead.  
Crittenden.  
Jefferson.

Lincoln.  
Monroe.  
Phillips.  
Saint Francis.

## CALIFORNIA

Tulare.

## GEORGIA

Brooks.  
Bulloch.  
Colquitt.

Laurens.  
Tift.  
Worth.

## LOUISIANA

Avoyelles.  
Caddo.  
East Carroll.  
Franklin.  
Morehouse.  
Natchitoches.

Rapides.  
Richland.  
Saint Landry.  
St. Martin.  
Vermillion.

## MISSISSIPPI

Alcorn.  
Bolivar.  
Coahoma.  
De Soto.  
Hinds.  
Holmes.  
Humphreys.  
Jefferson Davis.  
Lee.  
Leflore.  
Madison.  
Marion.

Monroe.  
Panola.  
Pontotoc.  
Prentiss.  
Quitman.  
Sunflower.  
Tallahatchie.  
Tunica.  
Union.  
Washington.  
Yazoo.

## NEW MEXICO

Chaves.  
Dona Ana.

Eddy.

## NORTH CAROLINA

Cleveland.  
Edgecombe.  
Franklin.  
Harnett.  
Iredell.  
Johnston.  
Lincoln.

Mecklenburg.  
Nash.  
Robeson.  
Rutherford.  
Sampson.  
Wayne.  
Wilson.

## OKLAHOMA

Beckham.  
Tillman.

Washita.

## SOUTH CAROLINA

Anderson.  
Chesterfield.  
Clarendon.  
Darlington.  
Dillon.  
Florence.  
Greenville.  
Lee.

Marlboro.  
Marion.  
Orangeburg.  
Spartanburg.  
Sumter.  
Williamsburg.  
York.

## TENNESSEE

Carroll.  
Fayette.  
Gibson.  
Hardeman.  
Haywood.  
McNairy.

Madison.  
Obion.  
Shelby.  
Tipton.  
Weakley.

## TEXAS

Bell.  
Castro.  
Collin.  
Ellis.

Falls.  
Fannin.  
Floyd.  
Grayson.

## TEXAS—Continued

Hale.	McLennan.
Hill.	Milam.
Hockley.	Navarro.
Hunt.	Nueces.
Lamar.	San Patricio:
Lamb.	Swisher.
Limestone.	Travis.
Lubbock.	Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,  
Manager,

*Federal Crop Insurance Corporation.*

[F.R. Doc. 59-5303; Filed, June 25, 1959; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR DRY EDIBLE BEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for dry edible bean crop insurance for the 1960 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

## COLORADO

State and county	Class(es) of beans insured
Dolores -----	Pinto.
Montezuma ---	Pinto.
Morgan -----	Pinto.
Weld -----	Pinto.

## IDAHO

Cassia -----	Great Northern, Pinto, Small Red.
Gooding -----	Great Northern, Pinto, Small Red.
Jerome -----	Great Northern, Pinto, Small Red.
Minidoka -----	Great Northern, Pinto, Small Red.
Twin Falls ----	Great Northern, Pinto, Small Red.

## MICHIGAN

Bay -----	Pea and Medium White.
Gratiot -----	Pea and Medium White.
Huron -----	Pea and Medium White.
Saginaw -----	Pea and Medium White.
St. Clair -----	Pea and Medium White.
Sanilac -----	Pea and Medium White.
Shiawassee ----	Pea and Medium White.

## NEBRASKA

Morrill -----	Great Northern, Pinto.
Scotts Bluff ----	Great Northern, Pinto.
Box Butte -----	Great Northern, Pinto.

## WASHINGTON

Grant -----	Great Northern, Pinto, Small Red, Flat Small White.
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## WYOMING

Goshen -----	Great Northern, Pinto.
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(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,  
Manager,

*Federal Crop Insurance Corporation.*

[F.R. Doc. 59-5304; Filed, June 25, 1959; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1960 crop year.

## MINNESOTA

Becker.	Nobles.
Big Stone.	Norman.
Brown.	Pennington.
Chippewa.	Pipestone.
Clay.	Polk, East.
Cottonwood.	Polk, West.
Grant.	Pope.
Jackson.	Redwood.
Kittson.	Renville.
Lac Qui Parle.	Rock.
Lincoln.	Roseau.
Lyon.	Stevens.
Mahnomen.	Swift.
Marshall.	Traverse.
Martin.	Wilkin.
Murray.	Yellow Medicine.

## NORTH DAKOTA

Barnes.	Nelson.
Benson.	Pembina.
Bottineau.	Pierce.
Cass.	Ramsey.
Cavalier.	Ransom.
Dickey.	Richland.
Eddy.	Rolette.
Emmons.	Sargent.
Foster.	Steele.
Grand Forks.	Stutsman.
Griggs.	Towner.
La Moure.	Traill.
Logan.	Walsh.
McIntosh.	Ward.
McLean.	

## SOUTH DAKOTA

Brookings.	Grant.
Brown.	Hamlin.
Clark.	Kingsbury.
Codington.	Marshall.
Day.	Roberts.
Deuel.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,  
Manager,

*Federal Crop Insurance Corporation.*

[F.R. Doc. 59-5305; Filed, June 25, 1959; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1960 crop year.

## KANSAS

Stafford.

## OKLAHOMA

Caddo.

## TEXAS

Hale.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,  
Manager,

*Federal Crop Insurance Corporation.*

[F.R. Doc. 59-5306; Filed, June 25, 1959; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1960 crop year.

## IOWA

Delaware.	Humboldt.
Emmett.	Ida.
Howard.	

## MICHIGAN

Gratiot.	Jackson.
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## MINNESOTA

Dakota.	McLeod.
East Polk.	Stearns.
Goodhue.	Stevens.
Kandiyohi.	Swift.

## NORTH DAKOTA

Dickey.	Ransom.
Grand Forks.	Sargent.
La Moure.	Steele.

## PENNSYLVANIA

Chester.

## SOUTH DAKOTA

Grant.	Kingsbury.
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## WISCONSIN

Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. MCCARTNEY,  
Manager,

*Federal Crop Insurance Corporation.*

[F.R. Doc. 59-5307; Filed, June 25, 1959; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTY DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following county has been designated for orange crop insurance for the 1960 crop year.

## RULES AND REGULATIONS

## CALIFORNIA

Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. McCARTNEY,  
Manager,  
Federal Crop Insurance Corporation.

[F.R. Doc. 59-5308; Filed, June 25, 1959;  
8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for 1958 and Succeeding Crop Years

#### COUNTY DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following county has been designated for peach crop insurance for the 1960 crop year.

## SOUTH CAROLINA

Spartanburg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. McCARTNEY,  
Manager,  
Federal Crop Insurance Corporation.

[F.R. Doc. 59-5309; Filed, June 25, 1959;  
8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for 1958 and Succeeding Crop Years

#### COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1960 crop year.

## ARKANSAS

Arkansas.

## LOUISIANA

St. Martin. Vermillion.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. McCARTNEY,  
Manager,  
Federal Crop Insurance Corporation.

[F.R. Doc. 59-5310; Filed, June 25, 1959;  
8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for 1958 and Succeeding Crop Years

#### COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-

identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1960 crop year.

## ARKANSAS

Arkansas.

## ILLINOIS

Adams.  
Bond.  
Cass.  
Christian.  
Clinton.  
Douglas.  
Effingham.  
Fayette.  
Fulton.  
Greene.  
Jasper.  
Jersey.  
Livingston.  
McDonough.  
McLean.

Macoupin.  
Madison.  
Mason.  
Menard.  
Monroe.  
Montgomery.  
Morgan.  
Pike.  
St. Clair.  
Sangamon.  
Schuyler.  
Scott.  
Shelby.  
Tazewell.  
Vermillion.

## INDIANA

Allen.  
Blackford.  
Boone.  
Clay.  
Carroll.  
Clinton.  
Decatur.  
DeKalb.  
Delaware.  
Fountain.  
Howard.  
Huntington.  
Jackson.  
Johnson.  
Kosciusko.

Madison.  
Marshall.  
Miami.  
Montgomery.  
Noble.  
Pulaski.  
Randolph.  
Ripley.  
Rush.  
Shelby.  
Sullivan.  
Vigo.  
Wayne.  
Wells.  
Whitley.

## IOWA

Adair.  
Audubon.  
Boone.  
Buena Vista.  
Buchanan.  
Calhoun.  
Carroll.  
Cass.  
Cerro Gordo.  
Chickasaw.  
Clay.  
Crawford.  
Delaware.  
Emmett.  
Fayette.  
Floyd.  
Franklin.  
Fremont.  
Guthrie.  
Hancock.  
Hardin.  
Howard.  
Humboldt.  
Ida.

Jones.  
Linn.  
Lyon.  
Madison.  
Mitchell.  
O'Brien.  
Osceola.  
Polk.  
E. Pottawattamie.  
W. Pottawattamie.  
Poweshiek.  
Sac.  
Shelby.  
Sioux.  
Story.  
Tama.  
Union.  
Warren.  
Washington.  
Webster.  
Winnebago.  
Winnesiek.  
Worth.

## KANSAS

Linn.

## MICHIGAN

Saginaw.  
St. Joseph.

## MINNESOTA

Big Stone.  
Blue Earth.  
Brown.  
Chippewa.  
Cottonwood.  
Dakota.  
Dodge.  
Faribault.  
Goodhue.  
Jackson.  
Kandiyohi.  
Lac Qui Parle.  
Lincoln.

Lyon.  
McLeod.  
Martin.  
Meeker.  
Mower.  
Murray.  
Nicollet.  
Nobles.  
Pope.  
Redwood.  
Renville.  
Rice.  
Stearns.

## MINNESOTA—Continued

Steele.  
Stevens.  
Swift.

Traverse.  
Watsonwan.  
Yellow Medicine.

## MISSISSIPPI

Bolivar.

## MISSOURI

Andrew.  
Audrain.  
Bates.  
Buchanan.  
Callaway.  
Carroll.  
Cass.  
Chariton.  
Cooper.  
Gentry.  
Henry.  
Howard.  
Johnson.

Lafayette.  
Macon.  
Marion.  
Nodaway.  
Pettis.  
Pike.  
Ralls.  
St. Charles.  
Saline.  
Shelby.  
Vernon.  
Worth.

## NEBRASKA

Washington.

## OHIO

Allen.  
Ashland.  
Auglaize.  
Delaware.  
Erie.  
Fayette.  
Greene.  
Hancock.  
Hardin.  
Henry.  
Huron.  
Knox.  
Licking.  
Marion.

Medina.  
Mercer.  
Montgomery.  
Morrow.  
Faulding.  
Pickaway.  
Putnam.  
Sandusky.  
Seneca.  
Union.  
Van Wert.  
Wayne.  
Williams.

## SOUTH CAROLINA

Orangeburg.

## SOUTH DAKOTA

Union.

Clay.  
Lincoln.

## TENNESSEE

Obion.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. McCARTNEY,  
Manager,  
Federal Crop Insurance Corporation.

[F.R. Doc. 59-5311; Filed, June 25, 1959;  
8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for 1958 and Succeeding Crop Years

#### COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1960 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

## CONNECTICUT

Hartford ----- 51, 52

## FLORIDA

Alachua ----- 14  
Columbia ----- 14  
Madison ----- 14  
Suwannee ----- 14

## GEORGIA

Berrien	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Lowndes	14
Mitchell	14
Tift	14
Worth	14

## KENTUCKY

Adair	31
Allen	31, 35
Anderson	31
Barren	31
Bath	31
Bourbon	31
Bracken	31
Breckenridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Casey	31
Christian	22, 31, 35
Clark	31
Davless	31, 36
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henry	31
Larue	31
Lincoln	31
Logan	22, 31, 35
Mason	31
Mercer	31
Metcalfe	31
Montgomery	31
Nelson	31
Nicholas	31
Owen	31
Pendleton	31
Pulaski	31
Russell	31
Scott	31
Simpson	31, 35
Todd	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Woodford	31

## MARYLAND

Charles	32
Calvert	32
St. Marys	32

## MASSACHUSETTS

Hampshire	52
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## NORTH CAROLINA

Alamance	11a
Beaufort	12
Bladen	13
Brunswick	13
Buncombe	31
Caswell	11a
Columbus	13
Davidson	11a
Duplin	12
Edgecombe	12
Forsyth	11a
Franklin	11b
Granville	11b
Greene	12
Gulford	11a
Harnett	11b
Iredell	11a
Jones	12
Johnston	12
Lee	11b
Lenoir	12
Moore	11b
Nash	12
Person	11a
Pitt	12
Robeson	13

## NORTH CAROLINA—Continued

Rockingham	11a
Sampson	12
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Wayne	12
Wilson	12
Yadkin	11a

## OHIO

Adams	31
Brown	31
Highland	31

## PENNSYLVANIA

Lancaster	41
Lebanon	41

## SOUTH CAROLINA

Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Florence	13
Horry	13
Lee	13
Marion	13
Marlboro	13
Sumter	13
Williamsburg	13

## TENNESSEE

Claiborne	31
De Kalb	31
Dickson	22
Grainger	31
Greene	31
Hamblen	31
Hawkins	31
Johnson	31
Loudon	31
Marshall	31
McMinn	31
Maury	31
Monroe	31
Montgomery	22, 31
Obion	23, 35
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sumner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Weakley	23, 35
Williamson	31
Wilson	31

## VIRGINIA

Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlotte	11a, 21
Cumberland	11a, 21, 37
Dinwiddie	11a, 21
Halifax	11a
Lee	31
Lunenburg	11a
Mecklenburg	11a
Pittsylvania	11a
Prince Edward	11a, 21, 37
Russell	31
Scott	31
Washington	31

## WISCONSIN

Dane	54
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. McCARTNEY,  
Manager,  
Federal Crop Insurance Corporation.

[F.R. Doc. 59-5312; Filed, June 25, 1959;  
8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

## Subpart—Regulations for 1958 and Succeeding Crop Years

## COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published March 19, 1959, which were designated for wheat crop insurance for the 1960 crop year.

## IDAHO

Fremont.	Minidoka.
Madison.	Twin Falls.

## ILLINOIS

Douglas.

## INDIANA

Fountain.

## KANSAS

Scott.

## OHIO

Licking.

## MISSOURI

Andrew.

## NEBRASKA

Cass.	Nemaha.
Dodge.	Scotts Bluff.

## SOUTH CAROLINA

Anderson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

F. N. McCARTNEY,  
Manager,  
Federal Crop Insurance Corporation.

[F.R. Doc. 59-5313; Filed, June 25, 1959;  
8:49 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

## PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

## PART 934—MILK IN MERRIMACK VALLEY, MASS., MARKETING AREA

## PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

## PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

## Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the orders regulating the handling of milk in the Greater Boston, Mass., marketing area (7 CFR Part 904), the Merrimack Valley, Mass., marketing area (7 CFR Part 934), the Springfield, Mass., marketing area (7 CFR Part 996), and the Worcester, Mass., marketing area (7 CFR Part 999), it is hereby found and determined that:

(a) For the months of July, August, and September, 1959 all of the provisions

of paragraph (b) of §§ 904.48, 934.48, 996.48 and 999.48, of the respective orders, except the words "The supply-demand adjustment factor shall be" and the figure "90" as they appear in subparagraph (4) do not tend to effectuate the declared policy of the Act.

The mechanics of the supply-demand adjuster, as set forth in § 48(b) of the respective orders is intended to reflect in the current month's New England basic Class I price computation the current regional supply-demand situation based on experience in the second and third preceding months and is measured by conditions existing in the Boston, Merrimack Valley, Springfield and Worcester markets. With the institution of Federal regulation in the Southeastern New England and Connecticut markets plants have shifted out of the four previously regulated markets to the newly regulated markets and there has been some shifting of Class I sales among markets. These developments are resulting in an apparent shortening of the regional supply as measured by the present mechanics of the supply-demand adjuster for the Boston, Merrimack Valley, Springfield, and Worcester markets. In fact, however, there has been no substantial change in the actual supply-demand situation for the region. Failure to suspend that part of the provisions quoted above, therefore, may result in Class I prices for the months of July, August and September 1959 in the six New England Federal order markets higher than would otherwise prevail. Higher prices than those which would result from this action would be higher than those necessary to bring forth an adequate supply of pure and wholesome milk, would not be compatible with the intended seasonality of pricing, would be higher than justified on the basis of the actual regional supply-demand situation and would be out of appropriate alignment with prices in the New York market.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in each of the respective marketing areas.

Therefore, good cause exists for making this order effective on issuance.

It is therefore ordered, That the aforesaid provisions of the aforesaid orders are hereby suspended effective upon issuance for the months of July, August and September 1959.

Issued at Washington, D.C., this 23d day of June 1959.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

TRUE D. MORSE,  
Acting Secretary.

[F.R. Doc. 59-5329; Filed, June 25, 1959; 8:51 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Oats]

#### PART 421—GRAINS AND RELATED COMMODITIES

##### Subpart—1959-Crop Oats Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 2933 and 4545 and containing the specific requirements for the 1959-Crop Oats Price Support Program are hereby amended as follows:

Section 421.4278(c) (1) is amended to make oats grading No. 4 because of being "Badly Stained or Materially Weathered" eligible for price support so that the amended subparagraph reads as follows:

#### § 421.4278 Eligible Oats.

(c) \* \* \*

(1) The oats must grade No. 3 or better or No. 4 because of test weight or because of being "Badly Stained or Materially Weathered" but otherwise No. 3 or better under the revised Official Grain Standards of the United States for oats effective June 1, 1959. Oats of the special grade "garlicky" which otherwise meet these requirements shall also be eligible.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442).

Issued this 22d day of June 1959.

WALTER C. BERGER,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 59-5330; Filed, June 25, 1959; 8:51 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 1, Oats]

#### PART 421—GRAINS AND RELATED COMMODITIES

##### Subpart—1959-Crop Oats Loan and Purchase Agreement Program

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 2933 and 4545 and containing the specific requirements for the 1959-Crop Oats Price Support Program are hereby amended as follows:

Section 421.4287(b) (3) is amended to provide a discount for oats grading No. 4 because of being "Badly Stained or Materially Weathered" so that the amended paragraph reads as follows:

#### § 421.4287 Support rates.

(b) \* \* \*

(3) Schedule of premiums and discounts.

	Cents per bushel
Premiums: <sup>1</sup>	
Grade No. 2 or better	1
Test Weight:	
Heavy	1
Extra Heavy	2
Discounts: <sup>2</sup>	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	1
Garlicky	3
Grade No. 4 because of being "Badly Stained or Materially Weathered"	7

<sup>1</sup> Applicable premiums shall be cumulative. Premiums, however, are not applicable to oats grading No. 4 because of being "Badly Stained or Materially Weathered".

<sup>2</sup> Applicable discounts shall be cumulative.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051 as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Issued this 22d day of June 1959.

WALTER C. BERGER,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 59-5331; Filed, June 25, 1959; 8:52 a.m.]

[Amdt. 1]

#### PART 468—MOHAIR

##### Subpart—1958 Payment Program for Mohair

NO PAYMENTS FOR 1958 MARKETING YEAR

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, containing the requirements of the 1958 Payment Program for Mohair (23 F.R. 2723), are amended by inserting the letter "a" immediately after the heading of § 468.105 and adding at the end of said section the following new paragraph (b):

(b) The national average price received by producers for mohair marketed during the 1958 marketing year was 72.3 cents a pound which is 2.3 cents a pound above the support price of 70 cents. Therefore, no payments will be made to mohair producers for the 1958 marketing year.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Issued this 19th day of June 1959.

CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation,  
and Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-5297; Filed, June 25, 1959; 8:47 a.m.]



[Amdt. 1]

## PART 472—WOOL

## Subpart—1958 Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

## MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1958 Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 22 F.R. 10719, are amended as follows:

## § 472.905 [Amendment]

1. In § 472.905, the letter "(a)" is inserted immediately after the heading thereof, and at the end of said section the following new paragraph (b) is added:

(b) The national average price received by producers for shorn wool marketed during the 1958 marketing year was 36.4 cents a pound, grease basis, which is 25.6 cents a pound below the incentive price of 62 cents. Therefore, the rate of incentive payment for the 1958 marketing year is 70.3 percent.

## § 472.921 [Amendment]

2. In § 472.921, the letter "(a)" is inserted immediately after the heading thereof, and at the end of said section the following new paragraph (b) is added:

(b) The rate of payment on unshorn lambs sold during the 1958 marketing year is \$1.02 per hundredweight of live animals based on a difference of 25.6 cents a pound between the incentive price of 62 cents and the national average price of 36.4 cents a pound received by producers for shorn wool during the 1958 marketing year (§ 472.905(b)).

3. Section 472.946 is deleted and the following is substituted therefor:

## § 472.946 Deductions for promotion.

A deduction will be made from each shorn wool payment at the rate of 1 cent per pound of wool, grease basis, and from each unshorn lamb payment at the rate of 5 cents per hundredweight of live animals, as announced in the Department's press release issued October 17, 1958. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Issued this 19th day of June 1959.

CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation  
and Acting Administrator,  
Commodity Stabilization  
Service.

[F.R. Doc. 59-5298; Filed, June 25, 1959;  
8:47 a.m.]

No. 125—2

## Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

## SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket 33; Amdt. 26]

## PART 507—AIRWORTHINESS DIRECTIVES

## Miscellaneous Amendments

As a result of a recent failure experienced in a counterweight bracket assembly of Bell Model 47J main rotor prior to 300 hours of use, it has been determined that a lower service life should be incorporated in the airworthiness directive which specified replacement time of 300 hours. In addition, service experience has shown that certain unsafe conditions may exist involving Fairchild, Lockheed and Vickers aircraft which require inspection and modification.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended as follows:

1. 58-17-1 Bell 47J helicopters as it appeared in 23 F.R. 7483 is revised to change the service life of P/N 47-110-287-9, counterweight bracket assembly, from 300 hours to 200 hours.

2. 58-17-2 Curtiss-Wright C-46 series aircraft as it appeared in 23 F.R. 7483 and amended in 24 F.R. 3224 is further amended by adding the following paragraph: "To provide access to the elevator interiors for visual inspection, access holes may be added in the elevator skin as shown on Riddle Airlines Incorporated Service Bulletin No. RSB-C-46-8."

3. The following new airworthiness directives are added:

59-12-1 FAIRCHILD. Applies to all F-27 Series aircraft equipped with the Heater System.

Compliance required by July 15, 1959, and every 100 hours thereafter until forthcoming permanent fix is incorporated.

(1) An incident has been reported in which a loose "B" nut on the fuel line connection to the combustion heater fuel control unit caused fuel to leak out around the shroud. In order to preclude possibilities of leakage at the heater fuel system fittings, remove and retain shroud assemblies, P/N 27-774575-1, attached to tube assemblies, P/N's 27-683051-151 or -251 and 27-774512-11, connected to fuel control assembly, P/N 43C80. Also remove and retain shroud assembly, P/N 27-774575-1, attached to opposite end of tube assembly, P/N 27-774512-11, connected to heater assembly, P/N 49C65.

(2) At locations where shrouds were removed, inspect and determine that fittings of tube assemblies are torqued to proper values and no evidence of fuel leakage exists. Torque fittings of tube assembly, P/N 27-774512-11 to 135 in. lbs. min.—150 in. lbs. max., and tube assembly P/N 27-683051-151 or -251 to 40 in. lbs. min.—65 in. lbs. max.

(3) Operate heater to determine that no evidence of fuel leakage exists at tube assembly connections to fuel control and heater assemblies and reinstall shroud assemblies.

Fairchild F-27 Service Bulletin No. 21-48 dated April 22, 1959, covers this same subject.)

59-12-2 LOCKHEED. Applies to all Model 049, 149, 649, 749 and 1049 Series aircraft.

Compliance required as indicated.

The following inspections have been established as a result of recently found corrosion and cracking on the Wing Station 80 bathtub fittings, P/N's 251245 and 251246 on Model 049, 149, 649, 749 series aircraft and Model 1049-54 aircraft and P/N's 310008 and 310009 on the remaining Model 1049 series aircraft.

These inspections shall be accomplished on all aircraft which have accumulated 12,000 or more flight hours. Inspect affected aircraft at the next block overhaul or within 4,000 flight hours, whichever occurs first.

Inspect all aircraft for cracked bathtub fittings as follows:

(1) Inspection may be made by removing the wing-to-fuselage fillet and dye checking the forward and aft edges on the neck of the bathtub fitting lugs of both the inner and stub wing fittings.

(2) Replace any cracked bathtub fittings. Inspect each inner wing and stub Wing Station 80 fitting for corrosion as follows:

(1) Visually inspect the inner and stub Wing Station 80 joint bathtub fittings adjacent to the DD8 rivets and rivet attachments taking particular care to note any imperfections or paint defects. Probe further whenever defects in paint are discovered in order to detect any corrosion.

(2) Replace any Wing Station 80 bathtub fittings on which corrosion cleanup exceeds a depth of 0.025 inch or a diameter of 0.70 inch (approximate diameter of a dime) around rivet attachments. Remove corrosion if within the allowable and treat per Lockheed Report 8882, (also 7789 and 5886) paragraph 1-67N, revised 15 July 1957, or equivalent.

(3) Inspect the stub wing and inner wing skin upper surface for corrosion around the bathtub fitting screw holes. Also inspect the stub wing and inner wing upper skin lower surfaces between corrugations for corrosion. Maximum allowable skin cleanup without resorting to a doubler repair is 0.020 inch deep or an area not exceeding one inch wide and three inches long, provided screw holes are not enlarged. Areas of skin corrosion exceeding these allowable limits should be repaired in accordance with applicable Structural Repair Manual procedures. Clean up and protect corroded areas per Lockheed Report 8882 (also 7789 and 5886), revised 15 July 1957, or equivalent. It must be determined that any corrosion is confined to the skin only and does not penetrate into the corrugations. Reinstall all screw attachments flush into the cleaned up areas.

(4) Inspect the bathtub fitting end lugs for corrosion. Maximum permissible combined depth of corrosion on mating fitting lugs should not be such as to increase the total gap between mating faces in excess of 0.020 inch. Replace fittings which cannot be cleaned up within this tolerance.

The special inspection note above may be extended an additional 12,000 flight hours for each wing on which all fittings are replaced. Otherwise reinspection at 4,000 flight-hour periods or block overhaul whichever occurs first is required to insure detection of cracked or corroded Wing Station 80 bathtub fittings or attachments.

(Lockheed Service Letter FS/231053 covers this same subject.)

59-12-3 VICKERS. Applies to all Viscount 745D and 810 Series aircraft.

Compliance required by October 31, 1959.

Two cases have occurred of the Graviner fire extinguisher cartridge types A216 and A217 failing to operate at altitudes exceeding 20,000 feet. The failures were due to a combination of altitude and temperature

affecting the gunpowder charge. To preclude such failures the Gravier Manufacturing Company has issued Modification AU 393 introducing improved firing units type A716 (replacing type A216) and type A717 (replacing type A217). The new units have a modified bridge wire arrangement and may be identified by a blue plastic band around the neck of the cartridge. The British Air Registration Board considers the embodiment of this modification mandatory.

(Gravier Manufacturing Company Modification No. AU 393 and Vickers-Armstrongs PTL 205 and Modification D.2926 (700 Series) and PTL 73 and Modification FG.1695 (800/810 Series) cover this subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 19, 1959.

JAMES T. PYLE,  
*Acting Administrator.*

[F.R. Doc. 59-5279; Filed, June 25, 1959; 8:45 a.m.]

**Title 24—HOUSING AND HOUSING CREDIT**

**Chapter II—Federal Housing Administration, Housing and Home Finance Agency**

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

Chapter II is amended as follows:

**SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE**

**PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT**

Section 222.13(a) (1) (vi) is amended to read as follows:

§ 222.13 Condition of property when transferred; delivery of debentures and certificate of claim.

(a) \* \* \*

(1) \* \* \*

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2 1/4	Aug. 9, 1954	Sept. 1, 1954
2 1/2	Sept. 1, 1954	Jan. 1, 1955
2 3/4	Jan. 1, 1955	July 1, 1955
3	July 1, 1955	Jan. 1, 1956
3 1/4	Jan. 1, 1956	July 1, 1956
3 1/2	July 1, 1956	Jan. 1, 1957
3 3/4	Jan. 1, 1957	July 1, 1957
3 1/2	July 1, 1957	Jan. 1, 1958
3 3/4	Jan. 1, 1958	July 1, 1958
3 1/2	July 1, 1958	Jan. 1, 1959
3 3/4	Jan. 1, 1959	July 1, 1959
4	July 1, 1959	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

**SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE**

**PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE**

Section 233.9(a) (1) (vii) is amended to read as follows:

§ 233.9 Insurance benefits.

(a) \* \* \*

(1) \* \* \*

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2 1/4	Aug. 13, 1954	Jan. 1, 1955
2 3/4	Jan. 1, 1955	July 1, 1955
2 3/4	July 1, 1955	Jan. 1, 1956
3	Jan. 1, 1956	Jan. 1, 1957
3 1/4	Jan. 1, 1957	July 1, 1957
3 1/2	July 1, 1957	Jan. 1, 1958
3 1/2	Jan. 1, 1958	July 1, 1958
3 3/4	July 1, 1958	Jan. 1, 1959
3 3/4	Jan. 1, 1959	July 1, 1959
4 1/4	July 1, 1959	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713.)

**SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE**

**PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT**

Section 293a.9(a) (1) (vii) is amended to read as follows:

§ 293a.9 Delivery of debentures and certificate of claim.

(a) \* \* \*

(1) \* \* \*

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2 1/4	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3 1/4	Jan. 1, 1957	July 1, 1957
3 1/2	July 1, 1957	Jan. 1, 1958
3 1/2	Jan. 1, 1958	July 1, 1958
3 3/4	July 1, 1958	Jan. 1, 1959
3 3/4	Jan. 1, 1959	July 1, 1959
4 1/4	July 1, 1959	

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 803, 69 Stat. 646; 12 U.S.C. 1748b)

Issued at Washington, D.C., June 23, 1959.

JULIAN H. ZIMMERMAN,  
*Federal Housing Commissioner.*

[F.R. Doc. 59-5326; Filed, June 25, 1959; 8:51 a.m.]

**Title 21—FOOD AND DRUGS**

**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare**

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

**PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER**

**Frozen Concentrates for Lemonade and Colored Lemonade; Order Staying Effectiveness of Certain Provisions of Identity Standards and Confirming Effective Date of Provisions Not Stayed**

In the matter of adopting definitions and standards of identity for frozen concentrate for lemonade and for frozen concentrate for colored lemonade:

An order ruling on proposals to adopt standards of identity for frozen concentrate for lemonade and frozen concentrate for colored lemonade, published in the FEDERAL REGISTER of March 12, 1959 (24 F.R. 1787), provided that the identity standards established thereby should become effective 90 days from the date of publication of the order, except as to any provisions stayed by the filing of objections and requesting a public hearing.

The National Association of Frozen Food Packers (hereafter designated as the Association), on its own behalf, on behalf of its members engaged in processing frozen concentrates for lemonade, and on behalf of the Florida Cannery Association and its members engaged in such processing, filed objections as hereafter shown and requested a public hearing.

Two categories of objections were detailed: Those protesting failure of the order to include provisions advocated by the Association and those protesting inclusion in the order of provisions objectionable to the Association:

A. Objections protesting failure to include provisions advocated by the Association:

1. Failure to list "Frozen concentrated lemonade" and "Frozen lemonade concentrate" as alternative names.
2. Failure to list lemon pulp in § 27.101 (b) as an optional ingredient.
3. Failure to include the following recital in § 27.101 (a): "The optional lemon juice ingredient or the concentrate may be treated by heat to reduce enzymatic and microbiological activity. The concentrate is packaged and frozen with such promptness as is required by good commercial practice and necessary to prevent changes in flavor."
4. Failure to provide in § 27.102 (a) for coloring the food with "any suitable natural fruit juice," in addition to those juices and concentrated juices specified in the order.

B. Objections protesting inclusion of provisions objectionable to the Association:

1. The provision in § 27.101 (f) (1) requiring that, when used, the optional

ingredients lemon oil and concentrated lemon oil be declared on the label.

2. The provision in § 27.102(b) (3) requiring that, when used, grapejuice, cranberry juice, loganberry juice, beet juice, or any such juice that has been concentrated, be named on the label.

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (22 F.R. 1045; 23 F.R. 9500): *It is ordered*, That, as to each of the foregoing specified objections, the order promulgating definitions and standards of identity for frozen concentrate for lemonade and frozen concentrate for colored lemonade are stayed until final action is taken disposing of the exceptions after public hearing thereon.

Except as to the provisions stayed, the order as published in the FEDERAL REGISTER of March 12, 1959 (24 F.R. 1787), shall be effective on June 12, 1959.

Notice of a public hearing to receive evidence on the provisions of the order stayed by the filing of objections will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: June 19, 1959.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 59-5318; Filed, June 25, 1959;  
8:50 a.m.]

## Title 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6391]

#### SUBCHAPTER A—INCOME TAX

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEM- BER 31, 1953

#### SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

#### PART 301—PROCEDURE and ADMINISTRATION

#### Miscellaneous Amendments

On February 26, 1959, notice of proposed rule making regarding the amendment of the Income Tax Regulations (26 CFR (1954) Part 1) and the Regulations on Procedure and Administration (26 CFR (1954) Part 301) to prescribe regulations under section 501(c) (3) and (4) of the Internal Revenue Code of 1954 and to make certain conforming changes was published in the FEDERAL REGISTER (24 F.R. 1421). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following amendments to the regulations are hereby adopted. The amendments adopted by this Treasury

decision do not include regulations relating to the definition of "scientific", as used in section 501(c) (3) of the Internal Revenue Code of 1954. Consideration is being given to such definition by the Internal Revenue Service and regulations with respect thereto will be published in a subsequent notice of proposed rule making. Except as otherwise specifically provided therein, such amendments are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

#### INCOME TAX REGULATIONS

##### § 1.501(a)-1 [Amendment]

PARAGRAPH 1. Section 1.501(a)-1 is amended as follows:

(A) Paragraph (a) (2) is amended by striking the last sentence and inserting the following in lieu thereof: "Subject only to the Commissioner's inherent power to revoke rulings because of a change in the law or regulations or for other good cause, an organization that has been determined by the Commissioner or the district director to be exempt under section 501(a) or the corresponding provision of prior law may rely upon such determination so long as there are no substantial changes in the organization's character, purposes, or methods of operation. An organization which has been determined to be exempt under the provisions of the Internal Revenue Code of 1939 or prior law is not required to secure a new determination of exemption merely because of the enactment of the Internal Revenue Code of 1954 unless affected by substantive changes in law made by such Code."

(B) Paragraph (b) (1) is amended by adding the following new subdivision at the end thereof:

(iii) An organization described in section 501(c) (3) shall submit with, and as a part of, an application filed after July 26, 1959, a detailed statement of its proposed activities.

PAR. 2. There are inserted immediately after § 1.501(c) (2)-1 the following new sections:

§ 1.501(c) (3) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* \* \* \*

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or

distributing of statements), any political campaign on behalf of any candidate for public office.

§ 1.501(c) (3)-1 Organizations organized and operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.

(a) *Organizational and operational tests.* (1) In order to be exempt as an organization described in section 501(c) (3), an organization must be both organized and operated exclusively for one or more of the purposes specified in such section. If an organization fails to meet either the organizational test or the operational test, it is not exempt.

(2) The term "exempt purpose or purposes", as used in this section, means any purpose or purposes specified in section 501(c) (3), as defined and elaborated in paragraph (d) of this section.

(b) *Organizational test*—(1) *In general.* (i) An organization is organized exclusively for one or more exempt purposes only if its articles of organization (referred to in this section as its "articles") as defined in subparagraph (2) of this paragraph:

(a) Limit the purposes of such organization to one or more exempt purposes; and

(b) Do not expressly empower the organization to engage, otherwise than as an insubstantial part of its activities, in activities which in themselves are not in furtherance of one or more exempt purposes.

(ii) In meeting the organizational test, the organization's purposes, as stated in its articles, may be as broad as, or more specific than, the purposes stated in section 501(c) (3). Therefore, an organization which, by the terms of its articles, is formed "for literary and scientific purposes within the meaning of section 501(c) (3) of the Internal Revenue Code of 1954" shall, if it otherwise meets the requirements in this paragraph, be considered to have met the organizational test. Similarly, articles stating that the organization is created solely "to receive contributions and pay them over to organizations which are described in section 501(c) (3) and exempt from taxation under section 501(a)" are sufficient for purposes of the organizational test. Moreover, it is sufficient if the articles set forth the purpose of the organization to be the operation of a school for adult education and describe in detail the manner of the operation of such school. In addition, if the articles state that the organization is formed for "charitable purposes", such articles ordinarily shall be sufficient for purposes of the organizational test (see subparagraph (5) of this paragraph for rules relating to construction of terms).

(iii) An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it to carry on, otherwise than as an insubstantial part of its activities, activities which are not in furtherance of one or more exempt purposes, even though such organization is, by the terms of such articles, created for a purpose that is no broader than the purposes specified in

section 501(c)(3). Thus, an organization that is empowered by its articles "to engage in a manufacturing business", or "to engage in the operation of a social club" does not meet the organizational test regardless of the fact that its articles may state that such organization is created "for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code."

(iv) In no case shall an organization be considered to be organized exclusively for one or more exempt purposes, if, by the terms of its articles, the purposes for which such organization is created are broader than the purposes specified in section 501(c)(3). The fact that the actual operations of such an organization have been exclusively in furtherance of one or more exempt purposes shall not be sufficient to permit the organization to meet the organizational test. Similarly, such an organization will not meet the organizational test as a result of statements or other evidence that the members thereof intend to operate only in furtherance of one or more exempt purposes.

(v) An organization must, in order to establish its exemption, submit a detailed statement of its proposed activities with and as a part of its application for exemption (see paragraph (b) of § 1.501(a)-1).

(2) *Articles of organization.* For purposes of this section, the term "articles of organization" or "articles" includes the trust instrument, the corporate charter, the articles of association, or any other written instrument by which an organization is created.

(3) *Authorization of legislative or political activities.* An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it:

(i) To devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise; or

(ii) Directly or indirectly to participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office; or

(iii) To have objectives and to engage in activities which characterize it as an "action" organization as defined in paragraph (c)(3) of this section.

The terms used in subdivisions (i), (ii), and (iii) of this subparagraph shall have the meanings provided in paragraph (c)(3) of this section.

(4) *Distribution of assets on dissolution.* An organization is not organized exclusively for one or more exempt purposes unless its assets are dedicated to an exempt purpose. An organization's assets will be considered dedicated to an exempt purpose, for example, if, upon dissolution, such assets would, by reason of a provision in the organization's articles or by operation of law, be distributed for one or more exempt purposes, or to the Federal government, or to a State or local government, for a public purpose, or would be distributed by a court to another organization to be used in such manner as in the judgment of the

court will best accomplish the general purposes for which the dissolved organization was organized. However, an organization does not meet the organizational test if its articles or the law of the State in which it was created provide that its assets would, upon dissolution, be distributed to its members or shareholders.

(5) *Construction of terms.* The law of the State in which an organization is created shall be controlling in construing the terms of its articles. However, any organization which contends that such terms have under State law a different meaning from their generally accepted meaning must establish such special meaning by clear and convincing reference to relevant court decisions, opinions of the State attorney-general, or other evidence of applicable State law.

(6) *Applicability of the organizational test.* A determination by the Commissioner or a district director that an organization is described in section 501(c)(3) and exempt under section 501(a) will not be granted after July 26, 1959 (regardless of when the application is filed), unless such organization meets the organizational test prescribed by this paragraph. If, before July 27, 1959, an organization has been determined by the Commissioner or district director to be exempt as an organization described in section 501(c)(3) or in a corresponding provision of prior law and such determination has not been revoked before such date, the fact that such organization does not meet the organizational test prescribed by this paragraph shall not be a basis for revoking such determination. Accordingly, an organization which has been determined to be exempt before July 27, 1959, and which does not seek a new determination of exemption is not required to amend its articles of organization to conform to the rules of this paragraph, but any organization which seeks a determination of exemption after July 26, 1959, must have articles of organization which meet the rules of this paragraph. For the rules relating to whether an organization determined to be exempt before July 27, 1959, is organized exclusively for one or more exempt purposes, see § 39.101(6)-1 of Regulations 118 (26 CFR (1939) Part 39) as made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, approved August 16, 1954 (19 F.R. 5167).

(c) *Operational test.*—(1) *Primary activities.* An organization will be regarded as "operated exclusively" for one or more exempt purposes only if it engages primarily in activities which accomplish one or more of such exempt purposes specified in section 501(c)(3). An organization will not be so regarded if more than an insubstantial part of its activities is not in furtherance of an exempt purpose.

(2) *Distribution of earnings.* An organization is not operated exclusively for one or more exempt purposes if its net earnings inure in whole or in part to the benefit of private shareholders or individuals. For the definition of the words "private shareholder or individual", see paragraph (c) of § 1.501(a)-1.

(3) *"Action" organizations.* (i) An organization is not operated exclusively for one or more exempt purposes if it is an "action" organization as defined in subdivisions (ii), (iii), or (iv) of this subparagraph.

(ii) An organization is an "action" organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization:

(a) Contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

(b) Advocates the adoption or rejection of legislation.

The term "legislation", as used in this subdivision, includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. An organization will not fail to meet the operational test merely because it advocates, as an insubstantial part of its activities, the adoption or rejection of legislation.

(iii) An organization is an "action" organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term "candidate for public office" means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

(iv) An organization is an "action" organization if it has the following two characteristics: (a) Its main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation; and (b) it advocates, or campaigns for, the attainment of such main or primary objective or objectives as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public. In determining whether an organization has such characteristics, all the surrounding facts and circumstances, including the articles and all activities of the organization, are to be considered.

(v) An "action" organization, described in subdivisions (ii) or (iv) of this subparagraph, though it cannot qualify under section 501(c)(3), may nevertheless qualify as a social welfare organization under section 501(c)(4) if it meets the requirements set out in paragraph (a) of § 1.501(c)(4)-1.

(d) *Exempt purposes.*—(1) *In general.* (i) An organization may be exempt as an organization described in section 501(c)(3) if it is organized and operated exclusively for one or more of the following purposes:

- (a) Religious,
- (b) Charitable,
- (c) Scientific,
- (d) Testing for public safety,
- (e) Literary,
- (f) Educational, or
- (g) Prevention of cruelty to children or animals.

(ii) An organization is not organized or operated exclusively for one or more of the purposes specified in subdivision (i) of this subparagraph unless it serves a public rather than a private interest. Thus, to meet the requirement of this subdivision, it is necessary for an organization to establish that it is not organized or operated for the benefit of private interests such as designated individuals, the creator or his family, shareholders of the organization, or persons controlled, directly or indirectly, by such private interests.

(iii) Since each of the purposes specified in subdivision (i) of this subparagraph is an exempt purpose in itself, an organization may be exempt if it is organized and operated exclusively for any one or more of such purposes. If, in fact, an organization is organized and operated exclusively for an exempt purpose or purposes, exemption will be granted to such an organization regardless of the purpose or purposes specified in its application for exemption. For example, if an organization claims exemption on the ground that it is "educational", exemption will not be denied if, in fact, it is "charitable".

(2) *Charitable defined.* The term "charitable" is used in section 501(c)(3) in its generally accepted legal sense and is, therefore, not to be construed as limited by the separate enumeration in section 501(c)(3) of other tax-exempt purposes which may fall within the broad outlines of "charity" as developed by judicial decisions. Such term includes: Relief of the poor and distressed or of the underprivileged; advancement of religion; advancement of education or science; erection or maintenance of public buildings, monuments, or works; lessening of the burdens of Government; and promotion of social welfare by organizations designed to accomplish any of the above purposes, or (i) to lessen neighborhood tensions; (ii) to eliminate prejudice and discrimination; (iii) to defend human and civil rights secured by law; or (iv) to combat community deterioration and juvenile delinquency. The fact that an organization which is organized and operated for the relief of indigent persons may receive voluntary contributions from the persons intended to be relieved will not necessarily prevent such organization from being exempt as an organization organized and operated exclusively for charitable purposes. The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinion on controversial issues with the intention of molding public opinion or creating public sentiment to an acceptance of its views does not preclude such organization from qualifying under section 501(c)(3) so long as it is not an "action" organization of any one of the types described in paragraph (c)(3) of this section.

(3) *Educational defined.*—(i) *In general.* The term "educational", as used in section 501(c)(3), relates to:

- (a) The instruction or training of the individual for the purpose of improving or developing his capabilities; or
- (b) The instruction of the public on subjects useful to the individual and beneficial to the community.

An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

(ii) *Examples of educational organizations.* The following are examples of organizations which, if they otherwise meet the requirements of this section, are educational:

*Example (1).* An organization, such as a primary or secondary school, a college, or a professional or trade school, which has a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at a place where the educational activities are regularly carried on.

*Example (2).* An organization whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs. Such programs may be on radio or television.

*Example (3).* An organization which presents a course of instruction by means of correspondence or through the utilization of television or radio.

*Example (4).* Museums, zoos, planetariums, symphony orchestras, and other similar organizations.

(4) *Testing for public safety defined.* The term "testing for public safety", as used in section 501(c)(3), includes the testing of consumer products, such as electrical products, to determine whether they are safe for use by the general public.

(e) *Organizations carrying on trade or business.*—(1) *In general.* An organization may meet the requirements of section 501(c)(3) although it operates a trade or business as a substantial part of its activities, if the operation of such trade or business is in furtherance of the organization's exempt purpose or purposes and if the organization is not organized or operated for the primary purpose of carrying on an unrelated trade or business, as defined in section 513. In determining the existence or nonexistence of such primary purpose, all the circumstances must be considered, including the size and extent of the trade or business and the size and extent of the activities which are in furtherance of one or more exempt purposes. An organization which is organized and operated for the primary purpose of carrying on an unrelated trade or business is not exempt under section 501(c)(3) even though it has certain religious purposes, its property is held in common, and its profits do not inure to the benefit of individual members of the organization. See, however, section 501(d) and § 1.501(d)-1, relating to religious and apostolic organizations.

(2) *Taxation of unrelated business income.* For provisions relating to the taxation of unrelated business income of certain organizations described in section 501(c)(3), see sections 511 to 515, inclusive, and the regulations thereunder.

(3) *Prohibited transactions and accumulations.* For provisions relating to the denial of exempt status to certain organizations described in section 501(c)(3) for engaging in certain prohibited transactions or unreasonably accumulating income, see sections 503 and 504 and the regulations thereunder.

(f) *Applicability of regulations in this section.* The regulations in this section are, except as otherwise expressly provided, applicable with respect to taxable years beginning after July 26, 1959. For the rules applicable with respect to taxable years beginning before July 27, 1959, see § 39.101(6)-1 of Regulations 118 (26 CFR (1939) Part 39) as made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, approved August 16, 1954 (19 F.R. 5167).

§ 1.501(c)(4) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; civic organizations.

SEC. 501. Exemption from tax on corporations, certain trusts, etc. \* \* \*

(c) List of exempt organizations. The following organizations are referred to in subsection (a):

\* \* \* \* \*

(4) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes.

§ 1.501(c)(4)-1 Civic organizations and local associations of employees.

(a) *Civic organizations.*—(1) *In general.* A civic league or organization may be exempt as an organization described in section 501(c)(4) if:

(i) It is not organized or operated for profit; and

(ii) It is operated exclusively for the promotion of social welfare.

(2) *Promotion of social welfare.*—(i) *In general.* An organization is operated exclusively for the promotion of social welfare if it is primarily engaged in promoting in some way the common good and general welfare of the people of the community. An organization embraced within this section is one which is operated primarily for the purpose of bringing about civic betterments and social improvements. A "social welfare" organization will qualify for exemption as a charitable organization if it falls within the definition of "charitable" set forth in paragraph (d)(2) of § 1.501(c)(3)-1 and is not an "action" organization as set forth in paragraph (c)(3) of § 1.501(c)(3)-1.

(ii) *Political or social activities.* The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. Nor is an organization operated primarily for the promotion of social welfare if its primary



## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 102—CATEGORIES OF INTERNATIONAL MAIL

#### PART 111—POSTAL UNION MAIL

#### PART 121—AIR SERVICE

#### PART 142—INCOMING MAIL (TREATMENT IN THE UNITED STATES)

#### PART 144—FORWARDING MAIL TO SHIP PASSENGERS AND CREW MEMBERS IN OTHER COUNTRIES

#### PART 162—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

#### PART 166—CONSULAR AND COMMERCIAL INVOICES

#### PART 167—DRAWBACK ARRANGEMENT

#### Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

I. Section 102.1 *Postal Union Mail* is amended to read as follows:

##### § 102.1 *Postal Union Mail.*

Postal union mail is exchanged under the provisions of the Universal Postal Convention or the Convention of the Postal Union of the Americas and Spain. It is divided into two broad categories, namely LC mail and AO mail, as follows:

(a) LC mail includes letters, letter-packages, post cards, and air letters (aerogrammes). See § 111.2 (a) and (b), and § 121.5 of this chapter.

(b) AO mail includes commercial papers, printed matter, matter for the blind, samples of merchandise, and small packets. See § 111.2 (c) through (g) of this chapter. Also included in this category are 8-ounce merchandise packages, which are mailable only to certain countries. See § 111.2(h) of this chapter.

NOTE: The corresponding Postal Manual section is 212.1.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

##### § 111.2 [Amendment]

II. In § 111.2 *Specific categories* make the following changes:

A. Subdivision (ii) of paragraph (d) (5), as amended by Federal Register Document 59-941 (24 F.R. 765), is further amended to read as follows:

(ii) *Markings.* Envelopes, cards, or packages to be mailed at printed matter rates must be marked so that the nature of the article can be readily associated with the appropriate rate of postage. Endorse the address side of your envelope, card, or package as follows:

(a) Printed matter—books, or printed matter—sheet music, for books or sheet music to be mailed at the rates stated in subparagraph (1) of this paragraph. If a single volume is enclosed in a package exceeding the weight limit for prints

in general, mark the package "Printed Matter—Book (Single Volume)."

(b) Printed matter, second class, or use the domestic second-class imprint prescribed in § 22.2(d) (7) of this chapter for second-class publications to be mailed by the publishers or by registered news agents at the rates stated in subparagraph (1) of this paragraph, except those addressed to Canada. Second-class publications enclosed in envelopes (unsealed) to be mailed at pound rates to Canada must be identified in the manner prescribed in paragraph (b) (6) of § 16.1 of this chapter.

(c) Printed matter, for mail that does not qualify for one of the reduced rates stated in subparagraph (1) of this paragraph.

NOTE: The corresponding Postal Manual section is 221.245b.

B. Subparagraph (1) of paragraph (f), as amended by Federal Register Document 59-3245 (24 F.R. 2992), is further amended to read as follows:

(1) *Rates.* Surface rate for samples of merchandise is 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. Minimum charge 10 cents. For airmail rates see individual country items in § 168.5 of this chapter.

NOTE: The corresponding Postal Manual section is 221.261.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

III. Section 121.1 *Availability* as amended by Federal Register Document 59-2388 (24 F.R. 2117), is further amended to read as follows:

##### § 121.1 *Availability.*

Postal union mail of any category may be sent by air. Parcel post may be sent by air to the countries for which air parcel-post rates are shown in § 168.5 of this chapter. Generally the weight limits, dimensions and other conditions (but not postage rates), prescribed for surface mail apply to articles and parcels sent by air.

NOTE: The corresponding Postal Manual section is 231.1.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

##### § 121.3 [Amendment]

IV. In § 121.3 *Prepayment* add the following to paragraph (c): "See 111.2(b) (1) (ii) of this chapter for postage required to transmit a United States reply-paid post card by airmail".

NOTE: The corresponding Postal Manual section is 231.33.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

##### § 121.5 [Amendment]

V. In § 121.5 *Air Letters (aerogrammes)* make the following changes:

A. Amend paragraph (a) to read as follows:

(a) *Availability and use.* Air letters (aerogrammes), which can be folded into the form of an envelope and sealed, may be sent by air to all countries. These sheets, bearing imprinted postage,

activity is operating a social club for the benefit, pleasure, or recreation of its members, or is carrying on a business with the general public in a manner similar to organizations which are operated for profit. See, however, section 501(c) (6) and § 1.501(c) (6)-1, relating to business leagues and similar organizations. A social welfare organization may qualify under section 501(c) (4) even though it is an "action" organization described in paragraph (c) (3) (ii) or (iv) of § 1.501(c) (3)-1 if it otherwise qualifies under this section.

(b) *Local associations of employees.* Local associations of employees described in section 501(c) (4) are expressly entitled to exemption under section 501(a). As conditions to exemption, it is required (1) that the membership of such an association be limited to the employees of a designated person or persons in a particular municipality, and (2) that the net earnings of the association be devoted exclusively to charitable, educational, or recreational purposes. The word "local" is defined in paragraph (b) of § 1.501(c) (12)-1. See paragraph (d) (2) and (3) of § 1.501(c) (3)-1 with reference to the meaning of "charitable" and "educational" as used in this section.

#### REGULATIONS ON PROCEDURE AND ADMINISTRATION

##### § 301.6104-1 [Amendment]

PAR. 3. Paragraph (b) (1) (ii) of § 301.6104-1 is amended by adding the following new subdivision at the end thereof:

(f) With respect to an organization which is described in section 501(c) (3) and which files its application for exemption after July 26, 1959, the application for exemption shall, in addition to the statements and documents required to be submitted by the form, include a detailed statement of the proposed activities of such organization.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,  
Commissioner of Internal Revenue.

Approved: June 22, 1959.

FRED C. SCRIBNER, Jr.,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-5293; Filed, June 25, 1959; 8:47 a.m.]

#### SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6383]

#### PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

##### Correction

In F.R. Doc. 59-4873, appearing at page 4783 of the issue for Friday, June 12, 1959, the following changes should be made:

1. In § 170.236, the words "except §§ 182.173 and 182.229 which are" should read "except § 182.229 which is".

2. In § 170.268, the words "except §§ 182.166 and 182.229 which are" should read "except § 182.229 which is".

are sold at all post offices at 10 cents each. All parts of the sheets may be used for the sender's message, except the address side. No enclosures are permitted. The use of tape or stickers to seal air letters is prohibited. Air letter sheets may be sent under registration upon payment of the required registry fee in addition to the postage.

NOTE: The corresponding Postal Manual section is 231.51.

B. Amend the last sentence of paragraph (b) to read as follows: "Approved private letters must be prepaid 10 cents each when mailed, except those addressed to Canada and Mexico which require 7 cents prepayment, and those to St. Pierre and Miquelon, which require 8 cents."

NOTE: The corresponding Postal Manual section is 231.52.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

#### § 142.1 [Amendment]

VI. In § 142.1 *Postal Union Mail* make the following changes:

A. Amend subparagraph (2) of paragraph (b) to read as follows:

(2) If after 30 days the post office has reason to believe that delivery to you will be possible, for as long as 2 months.

B. Amend paragraph (c) to read as follows:

(c) *Disposal*. Articles undeliverable are returned to origin, except for printed matter of no apparent value which is discarded unless it bears a request for return and the address of the sender.

NOTE: The corresponding Postal Manual section is 251.13.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

#### § 144.1 [Amendment]

VII. In § 144.1 *Forwarding mail to ship passengers and crew members in other countries* make the following changes:

A. Amend that part of the section preceding paragraph (a) to read as follows:

As an alternative to the provisions of Parts 142 and 143 of this chapter, ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in the international mail, by surface or air, in one envelope addressed to a ship or travel agency under the following conditions:

NOTE: The corresponding Postal Manual section is 254.

B. Paragraph (e) is hereby rescinded:

NOTE: The corresponding Postal Manual section is 254e.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

#### § 162.2 [Amendment]

VIII. In § 162.2 *General licenses* amend subparagraph (2) of paragraph (c) to read as follows:

(2) The value of the contents of a package is limited to \$50.

NOTE: The corresponding Postal Manual section is 272.232.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

#### § 162.5 [Rescission]

IX. Section 162.5 *Diamond shipments* is hereby rescinded.

NOTE: The corresponding Postal Manual section is 272.5.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369, 372)

X. Section 166.1 *Consular and commercial invoices* is amended to read as follows:

#### § 166.1 Consular and commercial invoices.

Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. Detailed information can be found in the country items in § 168.5 of this chapter. Also, see § 4.2 of this chapter.

NOTE: The corresponding Postal Manual section is 276.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

Section 167.3 *Obtaining forms* is amended to read as follows:

#### § 167.3 Obtaining forms.

You may obtain Bureau of Custom Forms 3413, 7511-A, and 7511-B from collectors of customs. A charge of 75 cents per pad is made for the "Notice of Exportation".

NOTE: The corresponding Postal Manual section is 277.3.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F.R. Doc. 59-5315; Filed, June 25, 1959; 8:49 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1881]

[Oregon 05741]

#### OREGON

### Modifying Reclamation Withdrawal of April 12, 1951; Hells Canyon Project, Idaho-Oregon

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 33; 43 U.S.C. 416), it is ordered as follows:

The departmental order of April 12, 1951, which withdrew lands for reclamation purposes in the first form in connection with the Hells Canyon Project,

Idaho-Oregon, is hereby modified to the extent necessary to permit the grant of a highway right of way made by section 2477 of the United States Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following-described lands delineated on a map filed by the Oregon State Highway Department for the Baker-Homestead Highway designated "file no. 27283" dated October, 1957, "10 C-30-13" on file with the Bureau of Land Management in Oregon 05741:

WILLAMETTE MERIDIAN

T. 7 S., R. 48 E.,  
Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 19, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described aggregate 120 acres.

ELMER F. BENNETT,  
Acting Secretary of the Interior.

JUNE 19, 1959.

[F.R. Doc. 59-5288; Filed, June 25, 1959; 8:46 a.m.]

[Public Land Order 1882]

[New Mexico 034615]

#### NEW MEXICO

### Reserving Lands Within Cibola National Forest for Use of Forest Service for Erosion Control for Protection of Bernalillo Watershed

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Cibola National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for erosion control for the protection of the Bernalillo watershed:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 4 E.,  
Sec. 2, W $\frac{1}{2}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 3;  
Sec. 10, lots 5, 6, 7, 8, 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 11, lots 2, 3, 4, E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 12, S $\frac{1}{2}$ ;  
Sec. 13, N $\frac{1}{2}$ .

The areas described aggregate 2,416.94 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,  
Assistant Secretary of the Interior.

JUNE 19, 1959.

[F.R. Doc. 59-5289; Filed, June 25, 1959; 8:46 a.m.]

[Public Land Order 1883]

[Idaho 09123]

## IDAHO

## Opening Land Subject to Section 24 of the Federal Power Act

1. In DA-499-Idaho issued January 6, 1958, the Federal Power Commission vacated the withdrawal created by the filing on November 15, 1920 of an application for preliminary permit in Project No. 20, so far as it affected the following-described lands:

## BOISE MERIDIAN

T. 13 S., R. 40 E.,  
Sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$ .  
T. 14 S., R. 40 E.,  
Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, lots 1, 2, 5, 6, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 10, NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

2. In DA-499 the Federal Power Commission determined that the value of the following-described lands withdrawn in Power Site Reserve No. 193 of August 1, 1911, and in Power Site Reserve No. 373 of July 16, 1913 would not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

## BOISE MERIDIAN

T. 13 S., R. 40 E.,  
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 35, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 14 S., R. 40 E.,  
Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$   
SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 9, lots 1, 2, 5, 6, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 10, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate approximately 1,040 acres.

3. The following lands will remain in existing withdrawals for reclamation purposes:

## BOISE MERIDIAN

T. 13 S., R. 40 E.,  
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$ .

4. The State of Idaho has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. The released lands lie in Franklin County, Idaho from about 7 to 11 miles northeast of Preston, Idaho. They are mainly rough and mountainous with shallow soils excepting in the canyon bottoms.

6. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10,

1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described in paragraph 2, except those withdrawn for reclamation purposes, are hereby opened to location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, and subject to existing valid rights and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on September 18, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on October 24, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

7. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. In accordance with the provisions of section 24 of the Federal Power Act,

supra, the State of Idaho shall be entitled until 10:00 a.m. on September 18, 1959, to a preference right of application to file, under any statute or regulations applicable thereto, for the reservation to the State or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

FRED G. AANDAHL,  
Assistant Secretary of the Interior.

JUNE 19, 1959.

[F.R. Doc. 59-5290; Filed, June 25, 1959;  
8:46 a.m.]

[Public Land Order 1884]

[Colorado 023168]

## COLORADO

## Withdrawing Public Lands Within Routt National Forest for Use of Forest Service as an Administrative Site

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Routt National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site:

## SIXTH PRINCIPAL MERIDIAN

## ROUTT NATIONAL FOREST

## Summit Lake Administrative Site

T. 7 N., R. 83 W., unsurveyed,  
(In approximate section 35) Beginning at a point from which the westerly most point of Summit Lake bears N. 20° W. a distance of 36 chains, thence South, 20 chains; West, 20 chains; North, 20 chains; East, 20 chains to the point of beginning.

The tract described contains 40 acres. This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,  
Assistant Secretary of the Interior.

JUNE 19, 1959.

[F.R. Doc. 59-5291; Filed, June 25, 1959;  
8:46 a.m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 969 ]

### AVOCADOS GROWN IN SOUTH FLORIDA

#### Notice of Proposed Revision of Container Regulation

Notice is hereby given that the Department is giving consideration to the revision of the avocado container limitations (Avocado Order 9, as amended; 7 CFR 969.309), as hereinafter set forth, submitted by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views or arguments for consideration in connection with such revision should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than 30 days after the publication of this notice in the *FEDERAL REGISTER*.

The proposed revision follows:

#### § 969.309 Container regulation.

(a) (1) On and after September 14, 1959, no handler shall handle any variety of avocados unless such avocados are packed in a container or containers meeting the following specifications:

(i) Boxes and cartons with inside dimensions 11 x 16½ x 10 inches: *Provided*, That the individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may fail to meet such weight requirement. Such tolerance shall be on a lot basis, but not more than double such tolerance shall be permitted for an individual container in a lot.

(ii) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¾ inches.

(iii) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¾ inches.

(iv) Boxes and cartons with inside dimensions 11½ x 15¾ x 4¼ inches.

(v) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(2) The terms "handler," "handle," and "avocados" when used herein shall have the same meaning as when used in

the amended marketing agreement and order (§§ 969.1 to 969.71).

Dated: June 22, 1959.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[F.R. Doc. 59-5296; Filed, June 25, 1959;  
8:47 a.m.]

[ 7 CFR Part 992 ]

### IRISH POTATOES GROWN IN WASHINGTON

#### Notice of Rule Making With Respect to Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments as hereinafter set forth, which was recommended by the State of Washington Potato Committee established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than three days following publication of this notice in the *FEDERAL REGISTER*. The proposals are as follows:

#### § 992.314 Limitation of shipment.

During the period from July 6, 1959, through May 31, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or such potatoes are handled in accordance with paragraphs (c), (d) and (e) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties*. U.S. No. 2, or better, grade, 1½ inches minimum diameter.

(2) *Long varieties*. U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*. For all varieties, at least "fairly clean".

(b) *Minimum maturity requirements*—*All varieties*. "Moderately skinned" which means that not more than 10 percent of the potatoes in any such lot may have more than one-half of the skin missing or "feathered".

(c) *Special purpose shipments*. The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

- (1) Certified seed;
- (2) Livestock feed;
- (3) Charity;
- (4) Starch;
- (5) Canning and freezing;
- (6) Dehydration;
- (7) Export; or
- (8) Potato chipping.

(d) *Safeguards*. Each handler making shipments of potatoes for canning and freezing, dehydration, export, or for potato chipping pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Have such shipments inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to each Certificate of Privilege.

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment;

(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;

(e) *Minimum quantity exception*. Each handler may ship up to, but not exceed 5 cwt. of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment over 5 cwt. of potatoes.

(f) *Definitions*. The terms "fairly clean," "moderately skinned," and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 23, 1959.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 59-5328; Filed, June 25, 1959;  
8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

#### Notice of Filing of Petition for Issuance of Regulations Establishing Tolerance for Calcium Disodium Ethylene Diamine Tetraacetic Acid for Chelating Trace Minerals in Foods

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to establish tolerances for calcium disodium ethylene diamine tetraacetic acid (calcium disodium (ethylenedinitrilo) tetraacetic acid) when added to chelate undesirable trace minerals in the following foods:

(a) 100 parts per million (0.01 percent) in shortenings, peanut butter, toppings, sandwich spreads, and in processed fruits and vegetables, processed fruit and vegetable juices, and dressings, other than those for which standards of identity have been established.

(b) 25 parts per million (0.0025 percent) in malt beverage (beer).

Dated: June 19, 1959.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 59-5316; Filed, June 25, 1959;  
8:49 a.m.]

### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

#### Notice of Filing of Petition for Issuance of Regulation Establishing Tolerance for Benzathine Penicillin V for Aqueous Injection in Milk From Dairy Cows

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued.

A petition has been filed by Wyeth Laboratories, P.O. Box 8299, Philadelphia, Pennsylvania, proposing the issuance of a regulation to establish a zero tolerance for benzathine penicillin V for aqueous injection in milk from dairy cows to which this drug has been administered by intramuscular injection for the treatment of mastitis.

Dated: June 19, 1959.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 59-5317; Filed, June 25, 1959;  
8:50 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-WA-10]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Notice of Proposed Rule Making

#### REVOCATION OF SEGMENT OF FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREA

Pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3498, notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Green Federal airway No. 5 presently extends from Los Angeles, California, to Boston, Massachusetts. An IFR Peak-Day Survey for each half of the calendar year 1958, shows aircraft movements for these two periods for segments of the airway between Fort Worth to Farmers Branch intersection as seven and zero movements respectively; Farmers Branch intersection to Plano intersection as three and zero movements respectively; Plano intersection to Sulphur Springs, Texas, two and zero movements respectively; Sulphur Springs, Texas, to Texarkana, Arkansas, as five and zero movements respectively; Texarkana, Arkansas, to Prescott intersection as eight and six movements respectively; Prescott intersection to Pine Bluff, Arkansas, as three and six movements respectively. On the basis of the survey, it appears that the retention of these airway segments and associated Control area is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken Green Federal airway No. 5 and the Control area associated with it would then extend from Los Angeles, California, to Fort Worth, Texas, and from Pine Bluff, Arkansas, to Boston, Massachusetts.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Texas. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation

Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing it is proposed to revoke the Fort Worth, Texas-Pine Bluff segment of Green Federal airway No. 5 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

#### § 600.15 [Amendment]

1. Section 600.15 *Green Federal airway No. 5 (Los Angeles, California, to Boston, Massachusetts)* is amended as follows:

(a) Delete "(Los Angeles, California, to Boston, Massachusetts)" and substitute therefor "(Los Angeles, California, to Fort Worth, Texas, and Pine Bluff, Arkansas, to Boston, Massachusetts)".

(b) Delete "Fort Worth, Texas, radio range station; Sulphur Springs, Texas, nondirectional radio beacon; Texarkana, Arkansas, radio range station; Pine Bluff, Arkansas, nondirectional radio beacon," and substitute therefor "to the Fort Worth, Texas, radio range station. From the Pine Bluff, Arkansas, nondirectional radio beacon."

2. Section 601.15 *Green Federal airway No. 5 Control areas (Los Angeles, California, to Boston, Massachusetts)* is amended as follows:

§ 601.15 *Green Federal airway No. 5 Control areas (Los Angeles, California, to Fort Worth, Texas, and Pine Bluff, Arkansas, to Boston, Massachusetts).*

All of Green Federal airway No. 5.

Issued in Washington, D.C., on June 19, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-5284; Filed, June 25, 1959;  
8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-WA-17]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Notice of Proposed Rule Making

#### REVOCATION OF SEGMENT OF FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREA

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 14 presently extends from Milwaukee, Wisconsin, to Indianapolis, Indiana. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows only four aircraft movements for the entire airway. On the basis of the survey, it appears

that the retention of this airway segment and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 14 and the Control area associated with it would be revoked.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 20, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Red Federal airway No. 14 Milwaukee, Wisconsin, to Indianapolis, Indiana, by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.214 *Red Federal airway No. 14 (Milwaukee, Wisconsin, to Indianapolis, Indiana)* is revoked.

2. Section 601.214 *Red Federal airway No. 14 Control area (Milwaukee, Wisconsin, to Indianapolis, Indiana)* is revoked.

Issued in Washington, D.C. on June 19, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-5285; Filed, June 25, 1959; 8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-WA-7]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Notice of Proposed Rule Making

#### REVOCATION OF SEGMENT OF FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREA

Pursuant to the authority delegated to men by the Administrator (§ 409.13, 24

F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 89 presently extends from Quincy, Illinois, via Peoria, Illinois, to Pontiac, Illinois. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows only two aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway 89 and the Control area associated with it would then be revoked.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 20, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing it is proposed to revoke Red Federal airway No. 89 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.289 *Red Federal airway No. 89 (Quincy, Illinois, to Peoria, Illinois)* is revoked.

2. Section 601.289 *Red Federal airway No. 89 Control area (Quincy, Illinois, to Peoria, Illinois)* is revoked.

Issued in Washington, D.C. on June 19, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-5282; Filed, June 25, 1959; 8:45 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-WA-9]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Notice of Proposed Rule Making

#### REVOCATION OF FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 95 presently extends from Elmira, New York, to Utica, New York. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows an average of less than ten aircraft movements. On the basis of the survey, it appears that the retention of this airway and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 95 and the Control area associated with it from Elmira, New York, to Utica, New York, would be revoked.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contracting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Red Federal airway No. 95 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.295 *Red Federal airway No. 95 (Elmira, New York, to Utica, New York)* is revoked.

2. Section 601.295 *Red Federal airway No. 95 Control area (Elmira, New York, to Utica, New York)* is revoked.

Issued in Washington, D.C. on June 19, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5283; Filed, June 25, 1959;  
8:45 a.m.]

# **[ 14 CFR Parts 600, 601 ]**

(Airspace Docket No. 59-WA-1)

## **FEDERAL AIRWAYS AND CONTROL AREAS**

### **Notice of Proposed Rule Making**

#### **REVOCATION OF SEGMENT OF FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREA**

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 13 presently extends from Houston, Texas, to Des Moines, Iowa. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows aircraft movements for these two periods for segments of the airway between Houston, Texas, to Lufkin, Texas, as six and four movements respectively; Lufkin, Texas, to Shreveport, Louisiana, as five and six movements respectively; Shreveport, Louisiana, to Texarkana, Arkansas, as seventeen and eight movements respectively. On the basis of the survey, it appears that the retention of these airway segments and associated Control area is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 13 and the Control area associated with it would then extend from Texarkana, Arkansas, to Des Moines, Iowa.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Texas. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the

Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment if proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Houston, Texas-Texarkana, Arkansas segment of Blue Federal airway No. 13 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.613 *Blue Federal airway No. 13 (Houston, Texas-Des Moines, Iowa)* is amended to read as follows:

§ 600.613 *Blue Federal airway No. 13 (Texarkana, Arkansas, to Des Moines, Iowa).*

From the Texarkana, Arkansas, radio range station to the Des Moines, Iowa, radio range station.

2. Section 601.613 *Blue Federal airway No. 13 Control areas (Houston, Texas-Des Moines, Iowa)* is amended to read as follows:

§ 601.613 *Blue Federal airway No. 13 Control areas (Texarkana, Arkansas, to Des Moines, Iowa).*

All of Blue airway No. 13.

Issued in Washington, D.C., on June 19, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5280; Filed, June 25, 1959;  
8:45 a.m.]

# **[ 14 CFR Parts 600, 601 ]**

(Airspace Docket No. 59-WA-2)

## **FEDERAL AIRWAYS AND CONTROL AREAS**

### **Notice of Proposed Rule Making**

#### **REVOCATION OF SEGMENT OF FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREA**

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 86 presently extends from Fort Wayne, Indiana, to Goshen, Indiana. An IFR Peak-Day Air Traffic Survey for each half of the calendar year 1958 shows only one aircraft movement. On the basis of the survey, it appears that the retention of this airway and its associated control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 86 and the Control area associated with it would then be revoked.

Interested persons may submit such written data, views or arguments they may desire. Communications should be

submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 20, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Fort Wayne, Indiana, to Goshen, Indiana, Blue Federal airway No. 86 by amending parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.686 *Blue Federal airway No. 86 (Fort Wayne, Indiana, to Goshen, Indiana)* is revoked.

2. Section 601.686 *Blue Federal airway No. 86 Control area (Fort Wayne, Indiana, to Goshen, Indiana)* is revoked.

Issued in Washington, D.C., on June 19, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5281; Filed, June 25, 1959;  
8:45 a.m.]

## **SMALL BUSINESS ADMINISTRATION**

### **[ 13 CFR Part 127 ]**

#### **JOINT SET-ASIDES**

#### **Notice of Hearing on Small Business Timber Set-Aside Program**

Notice is hereby given that the Small Business Administration will hold a hearing on the procedures developed by this Agency to implement section 15 of the Small Business Act, as amended (Pub. Law 85-536; Pub. Law 85-699), as it relates to the timber industry.

The public is advised that pursuant to section 5 of Public Law 85-536, the Administrator promulgated regulations to carry out the authority contained in said section 15 and that such regulations have

been published in the *FEDERAL REGISTER* (23 F.R. 10530; 24 F.R. 3493).

The hearing will take place August 26 and 27, 1959 at 9:30 a.m. Pacific standard time in the U.S. Department of Interior Auditorium at 1001 Northeast Lloyd Boulevard, Portland, Oregon.

Interested persons may file with the Administrator on or before August 20, 1959 written statements of facts, opinions or arguments concerning the timber set-aside program as implemented by the Small Business Administration. Those persons who wish to make oral state-

ments should notify the Administrator in writing setting forth his name, title (if any), and whom he will represent.

All correspondence on this matter shall be addressed to

Wendell B. Barnes, Administrator,  
Small Business Administration,  
Washington 25, D.C.

Dated: June 22, 1959.

WENDELL B. BARNES,  
Administrator.

[F.R. Doc. 59-5292; Filed, June 25, 1959;  
8:47 a.m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

[Bureau Order 551, Amdt. 53]

#### HOONAH WAR HOUSING PROJECT; LIQUIDATION

##### Redelegation of Authority

Order 551, as amended, is further amended by addition of a new section, under the heading Functions Relating to Funds and Fiscal Matters, to read as follows:

SECTION 271 *Hoonah War Housing Project, Liquidation.* (a) All of the authority contained in section 2 of the Act of August 28, 1958 (72 Stat. 974), which relates to the liquidation of the Hoonah war housing project, Alaska, except as provided in paragraph (b) of this section.

(b) The authority granted in paragraph (a) of this section does not include:

(1) The authority to determine under the provision of section 2(d) of the act the fair value of land conveyed by Indians to the Hoonah Indian Association.

(2) The authority to acquire land or any interest in land by eminent domain under the provisions of section 2(f) of the act.

(3) The authority to determine the value of each housing unit and cancel any portion of the debt remaining thereon under the provisions of section 2(g) of the act.

H. REX LEE,  
Acting Commissioner.

JUNE 22, 1959.

[F.R. Doc. 59-5287; Filed, June 25, 1959;  
8:46 a.m.]

### DEPARTMENT OF COMMERCE

#### Office of the Secretary

EVERETT MORSS, JR.

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the *FEDERAL REGISTER*.

A. Deletions: No change.  
B. Additions: No change.

This statement is made as of June 16, 1959.

EVERETT MORSS, JR.

JUNE 16, 1959.

[F.R. Doc. 59-5294; Filed, June 25, 1959;  
8:47 a.m.]

### FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12586-12589; FCC 59-574]

#### M.V.W. RADIO CORP. ET AL.

#### Memorandum Opinion and Order Reopening Record for Further Hearing

In re applications of M.V.W. Radio Corporation, San Fernando, Calif., Docket No. 12586, File No. BP-10888; KGB, Incorporated (KGB), San Diego, Calif., Docket No. 12587, File No. BP-11103; Robert S. Marshall, Newhall, Calif., Docket No. 12588, File No. BP-11705; William H. Wilson and Shirley Ann Wilson, d/b as Wilson Broadcasting Company, Oxnard, Calif., Docket No. 12589, File No. BP-11911; for construction permits.

1. There is before the Commission (1) a ruling by the Hearing Examiner at a prehearing conference on February 19, 1959, denying the motion of M.V.W. Radio Corporation (MVW) and Wilson Broadcasting Company (Wilson) for additional time to file engineering exchange exhibits; (2) a petition for review of this ruling, filed by MVW and Wilson, on February 20, 1959; (3) an opposition to the petition for review, filed by Tri-Counties Public Service (Tri-Counties) on March 4, 1959; (4) an opposition to the petition for review, filed by KGB, Inc., on March 5, 1959; (5) a reply to the petition for review, filed by the Broadcast Bureau on March 5, 1959; (6) a reply to items 3 and 4, filed by MVW and Wilson on March 6, 1959; (7) a reply to item 5, filed by KGB, Inc.,

on March 10, 1959; (8) an Initial Decision of Hearing Examiner Thomas H. Donahue, released May 25, 1959 (FCC 59D-51), proposing to grant the application of KGB, Inc., and denying the applications of MVW and Wilson;<sup>1</sup> and (9) the matters of record in the above-entitled proceeding.

2. By Order released September 9, 1958 (FCC 58-827), the Commission designated for hearing in a consolidated proceeding the applications of (a) M.V.W. Radio Corporation at San Fernando, Calif. (MVW); (b) Robert S. Marshall at Newhall, Calif. (Marshall);<sup>2</sup> (c) Wilson Broadcasting Company at Oxnard, Calif. (Wilson), for construction permits for new standard broadcast stations, together with the application of KGB, Inc., at San Diego, Calif. (KGB), for an increase in power. Tri-Counties Public Service, Inc., at Oxnard-Ventura, Calif. (KUDU), with others, was made a party to the hearing.

3. In an Order Governing Course of Hearing, released November 12, 1958 (FCC 58M-1263) the Examiner ordered that as "agreed upon by all parties", the following calendar shall govern the future course of the proceeding:

"Exchange of engineering exhibits—January 5, 1959; Engineering conference—January 15, 1959; Future prehearing conference—February 2, 1959; Hearing—February 5, 1959."

By Order released January 13, 1959 (FCC 59M-41), in response to a petition filed by KGB on January 5, 1959, the Examiner advanced these dates. An engineering exchange was made on behalf of KGB, MVW and Wilson on the date specified therefor in the latter order. At a subsequent engineering conference, the Broadcast Bureau and KGB stated that the exhibits exchanged by MVW and Wilson were not fully responsive to the issues set forth in the Order of Designation. MVW and Wilson thereafter requested the Hearing Examiner to grant an extension of time for the exchange of engineering exhibits, and attempted at a later prehearing conference, to supplement their previously exchanged engineering information. The Examiner denied the request and refused to allow the supplement on the ground that the parties having agreed upon dates certain for the exchange of exhibits, the relief requested was inconsistent with the purpose of the exchange procedure; that petitioners did not show good cause; and that to permit the late exchange would be unfair to the other parties. It is this ruling to which we address ourselves.

4. Section 1.111(b) of our rules reflects the policy of the Commission to encourage the parties to submit any portion of their cases in writing. Procedural limitations upon the effect of adopting the

<sup>1</sup>Subsequent to the filing of the petition for review, on May 25, 1959, the Hearing Examiner released an Initial Decision proposing to grant the application of KGB, Inc., and denying, for default, the applications of M.V.W. Radio Corporation and Wilson Broadcasting Corporation.

<sup>2</sup>Marshall was held in default by the Examiner at a prehearing conference held on February 19, 1959 (Tr. p. 48).



written case procedure are by this Section left to the agreement of the parties, as approved by the Examiner. The Commission concludes after a careful reading of the transcript of the prehearing conference at which the parties discussed the exchange of engineering information that there was not a meeting of minds of the parties either as to the extent to which engineering exhibits were to be exchanged or as to when the exchange of engineering exhibits was to be "frozen". At best, all that the Commission can glean from an examination of the relevant transcript of the record is that while the parties were agreed that the hearing process could be expedited by an exchange of engineering exhibits, there was no common understanding between parties as to when their engineering exhibits exchange should be "frozen."<sup>3</sup>

5. The examiner at no time during the prehearing conference, or in his Orders Governing the Course of the Hearing, indicated when and to what extent the engineering exchange would be frozen. Consequently, we conclude that the record should be reopened and the matter remanded to the Examiner, notwithstanding the fact that counsel for the parties are in part responsible for the ambiguity.

6. In support of the Examiner's ruling, KGB and KUDU assert in essence that MVW and Wilson are seeking an unfair advantage since they will have had additional time in which to exchange. These arguments are predicated upon an unambiguous agreement between the parties, an assumption which we reject. Thus, their arguments must fall. In addition, counsel for KGB and KUDU must share responsibility for failing to seek clarification of the Examiner's Order Governing the Course of the Hearing.

7. Accordingly, it is ordered, That the ruling of the Hearing Examiner denying the petition of M.V.W. Radio Corporation and Wilson Broadcasting Company for additional time to file engineering exchange exhibits is reversed; that the Initial Decision of the Hearing Examiner released May 25, 1959 (FCC 59D-51) is set aside; that the record is reopened and the matter is remanded to the Hearing Examiner for further proceedings in accordance with this order.

Adopted: June 17, 1959.

Released: June 19, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5319; Filed, June 25, 1959;  
8:50 a.m.]

<sup>3</sup> See particularly Transcript of the prehearing conference held on November 4, 1958 (Tr. 24, lines 12-25; Tr. 25, line 15 to Tr. 26, line 15; Tr. 29, line 13 to Tr. 31, line 5; Tr. 34, line 3-6; Tr. 38, line 15 to Tr. 39, line 12; Tr. 41, line 15-24; Tr. 43, line 10 to Tr. 44, line 6.

[Docket Nos. 12720, 12721; FCC 59-572]

**VALLEY BROADCASTING CO. AND  
MINERS BROADCASTING SERVICE,  
INC.**

**Memorandum-Opinion and Order  
Amending Issues**

In re applications of Valley Broadcasting Company, Leighton, Pennsylvania, Docket No. 12720, File No. BP-11651; Miners Broadcasting Service, Inc., Kingston, Pennsylvania, Docket No. 12721, File No. BP-11795; for construction permits.

1. There is before the Commission (1) the petition to enlarge the issues and strike the aeronautical hazard issue, filed by Valley Broadcasting Company (Valley) on January 22, 1959; (2) the reply, filed by Miners Broadcasting Service, Inc. (Miners), on January 28, 1959; (3) the reply filed by the Broadcast Bureau (Bureau) on February 16, 1959; and (4) other matters of record herein.

2. Valley and Miners each seek a construction permit for a new standard broadcast station at Leighton and Kingston, Pennsylvania, respectively. Their applications were designated for hearing in a consolidated proceeding by Hearing Order released January 2, 1959, to determine (1) the areas and populations expected to receive primary service from the proposals and the availability of other such service; (2) whether a grant of either application would contravene § 3.35 of the rules; (3) whether Valley's proposed antenna would present a hazard to air navigation; (4) the 307(b) issue; and (5) which of the applications should be granted.

3. Valley filed a petition on January 22, 1959, asking that the air hazard issue be deleted and that the following issues be added:

(A) To determine the type and character of the programming service now available to Kingston, Pennsylvania, from licensed standard broadcast stations in Wilkes-Barre, Pennsylvania.

(B) To determine whether the borough of Kingston is a separate community, as contemplated by section 307(b) of the Communications Act, or whether, because of its location and urban and industrial characteristics, Kingston is an integral part of the city of Wilkes-Barre.

4. In support of the requested deletion, Valley notes that communications from the Regional Air Space Subcommittee in New York to the Commission and from the Commission's Antenna Survey Branch to the Bureau state that Valley's alternate site (proposed in Valley's amendment of its application) and tower height would not constitute an air hazard. The request for deletion of this issue is unopposed.

5. In support of requested Issue A, Valley contends that Kingston has no need for a new service, alleging that existing stations WILK, WBAX and WBRE (all in Wilkes-Barre) provide service to Kingston and in so doing satisfy the program needs of that com-

munity. Affidavits from officers of WILK and WBAX have been submitted to establish this point and to show that time has been donated by their respective stations to Kingston organizations and that Kingston businesses sponsor many of their programs. Valley suggests that there is currently some uncertainty occasioned by Miners Broadcasting Service, Inc., 13 RR 1163 (1957), and Westbrook Broadcasting Company, 17 RR 313 (1958), as to whether evidence as to the adequacy of programming service from existing stations may be introduced without benefit of a specific issue on that subject and, accordingly, asks the addition of the requested issue.

6. In support of requested Issue B, Valley insists that Kingston is an integral part of the Wilkes-Barre community, reciting that the Census Bureau and local telephone subscribers' service have treated Kingston as a part of Wilkes-Barre, the geographic proximity of the two, the fact that health and welfare organizations in both communities derive financial support from similar sources and that one Chamber of Commerce serves the business interests in both communities. Valley cites Northwest Broadcasters, Inc., 17 RR 929 (1958) as authority for the proposition that in the absence of a specific issue on this subject, findings and conclusions cannot be made pertaining to these facts.

7. Miners and the Bureau oppose the addition of the requested issues, arguing that the present 307(b) issue comprehends the matters which are contemplated in the proposed issues. Miners further denies that there is no need for a local broadcast outlet for Kingston and that Kingston and Wilkes-Barre are one community within the meaning of section 307(b).

8. The air hazard issue should be deleted. It is apparent, that the cause for objections to Valley's proposed operation in this regard has been removed by Valley's amendment of its application.

9. It is the Commission's view, however, that the requested issues need not be added to the hearing issues in order to permit the introduction of evidence as to (1) the type and character of program service now available to Kingston from existing stations in Wilkes-Barre, and (2) whether, by section 307(b) standards, Kingston is a separate community or an integral part of Wilkes-Barre. There is no question but that such evidence would be relevant and essential to a determination on the subject applications. Nevertheless, the present issues include the standard 307(b) issue and it is the opinion of the Commission that evidence of the character contemplated by Valley, having a bearing on the question of what disposition herein would promote a more fair, efficient, and equitable distribution of radio service, is admissible under that issue. In fact, as indicated by the transcript of the prehearing conference, the parties herein were in general agreement that such evidence could be admitted without additional issues.

Accordingly, it is ordered, This 17th day of June 1959, that the Valley Broadcasting Company Petition is granted to the extent that it requests deletion of the aeronautical hazard issue, and is denied in all other respects.

Released: June 19, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5320; Filed, June 25, 1959;  
8:50 a.m.]

[Docket No. 12823; FCC 59M-798]

### CRAIN'S GARAGE

#### Order Continuing Hearing

In the matter of James L. Houston, d/b as Crain's Garage, P.O. Box 1055, Marietta, Georgia, Docket No. 12823; order to show cause why there should not be revoked the license for automobile emergency radio station KIM-855.

On the Hearing Examiner's own motion: *It is ordered*, This 19th day of June 1959, that the hearing in the above-entitled proceeding, which is presently scheduled for July 15, 1959, be and the same is hereby, continued to July 22, 1959, at 10:00 o'clock a.m. in the Commission's offices, Washington, D.C.

Released: June 22, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5321; Filed, June 25, 1959;  
8:50 a.m.]

[Docket No. 12904; FCC 59-582]

### WMAX, INC. (WMAX)

#### Order Designating Application for Hearing on Stated Issues

In re application of WMAX, Inc. (WMAX), Grand Rapids, Michigan, has 1480 kc, 1 kw, Day, req. 1480 kc, 5 kw, Day, Docket No. 12904, File No. BP-11744; for construction permit for standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of June 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 1, 1959, and incorporated herein by reference, notified the applicant, and any other known

parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMAX and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WMAX would involve objectionable interference with Stations WIOS, Tawas City, Michigan and WRSW, Warsaw, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That Roger S. Underhill and Reub Williams & Sons, Inc., licensees of Stations WIOS and WRSW, respectively, are made parties to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 22, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5322; Filed, June 25, 1959;  
8:50 a.m.]

[Docket No. 12908; FCC 59M-797]

### LAIRD BROADCASTING CO., INC. (KHAK)

#### Order Scheduling Hearing

In re application of Laird Broadcasting Company, Inc. (KHAK), Cedar Rapids, Iowa, Docket No. 12908, File No. BP-11855, for construction permit for standard broadcast station.

*It is ordered*, This 22d day of June 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 23, 1959, in Washington, D.C.

Released: June 22, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5323; Filed, June 25, 1959;  
8:51 a.m.]

[Docket Nos. 12909, 12910; FCC 59M-804]

### KSOO TV, INC. (KSOO-TV)

#### Order Scheduling Hearing

In re applications of KSOO TV, Inc. (KSOO-TV), Sioux Falls, South Dakota, for modification of construction permit, Docket No. 12909, File No. BMPCT-5168; and for extension of construction permit, Docket No. 12910, File No. BMPCT-5185.

*It is ordered*, This 22d day of June 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 17, 1959, in Washington, D.C.

Released: June 23, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5324; Filed, June 25, 1959;  
8:51 a.m.]

[Docket No. 12912; FCC 59-589]

### STATUS OF EXTRA CLASS AMATEUR RADIO LICENSE

#### Notice of Inquiry

In the matter of an inquiry into the status of the extra class amateur radio license set forth in Part 12 of the Commission's rules, Docket No. 12912.

1. Notice is hereby given of a Notice of Inquiry in the above-entitled matter.

2. On January 28, 1959, the Commission issued a Memorandum Opinion and Order denying a petition submitted by George H. Goldstone, 1926 National Bank Building, Detroit 26, Michigan, which requested amendment of §§ 12.23, 12.46, and 12.131 of Part 12 of the Com-

mission's rules. The petitioner's purpose was to give some prestige to holders of Extra Class Amateur Radio operator licenses by granting them certain additional privileges.

3. To effectuate this purpose, Mr. Goldstone proposed the following changes:

A. Divide the present Extra Class into two groups: Extra Radiotelegraph licenses and Extra Radiotelephone licenses.

B. Award a "Radio Pioneer Certificate" to amateurs licensed prior to April 6, 1917, in lieu of issuing them Extra Class licenses, but with all the privileges of the present Extra Class.

C. Change the permissible maximum power input of amateur stations by, generally speaking, reducing the limit for all classes of licensees of amateur stations except those holders of Extra Class licenses (either Radiotelegraph or Radiotelephone) or "Radio Pioneer Certificates" who would be permitted a maximum power input of 1000 watts.

4. It is unnecessary to repeat here the reasons, set forth in the aforementioned Memorandum Opinion and Order (see Mimeo 67785), for finding this proposal to be neither feasible nor in the public interest. However, while denying that petition, the Commission did concur with its objective: to restore a degree of prestige to the Extra Class. It was stated: "Therefore, the Commission proposes to issue a Notice of Inquiry to explore the possibilities of restoring

meaning and prestige to the Extra Class license. In this manner interested parties will be able to file comments containing alternative proposals which might accomplish the purpose desired both by the petitioner here and by the Commission." It is noted that this statement speaks of "alternative proposals" and the Commission wishes to emphasize that the aim of this Notice of Inquiry is to receive possible solutions from interested parties which have not already been examined and found unacceptable by the Commission.

5. Any interested person may file a written statement or brief setting forth his views on this matter on or before September 15, 1959. If, as a result of this Notice of Inquiry, the Commission should subsequently initiate a Notice of Proposed Rule Making adequate opportunity will be afforded interested parties to file comments on any such proposal.

6. Pursuant to the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 17, 1959.

Released: June 23, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5325; Filed, June 25, 1959;  
8:51 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

### PACIFIC GAS & ELECTRIC CO.

#### Application for Construction Permit and Utilization Facility License

EDITORIAL NOTE: This application is published pursuant to section 182(b) of the Atomic Energy Act of 1954 (68 Stat. 954; 42 U.S.C. 2232(b)) which requires publication in the FEDERAL REGISTER once a week for four consecutive weeks.

Please take notice that Pacific Gas and Electric Company, 245 Market Street, San Francisco, California, under section 103 of the Atomic Energy Act of 1954 has submitted an application for license authorizing construction and operation of a 50 megawatt (electrical) single-cycle, natural internal circulation, boiling water nuclear reactor as part of Unit No. 3 at its Humboldt Bay Power Plant located near Eureka, California. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,  
Director, Division of  
Licensing and Regulation.

[F.R. Doc. 59-4857; Filed, June 11, 1959;  
8:45 a.m.]

## CUMULATIVE CODIFICATION GUIDE—JUNE

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